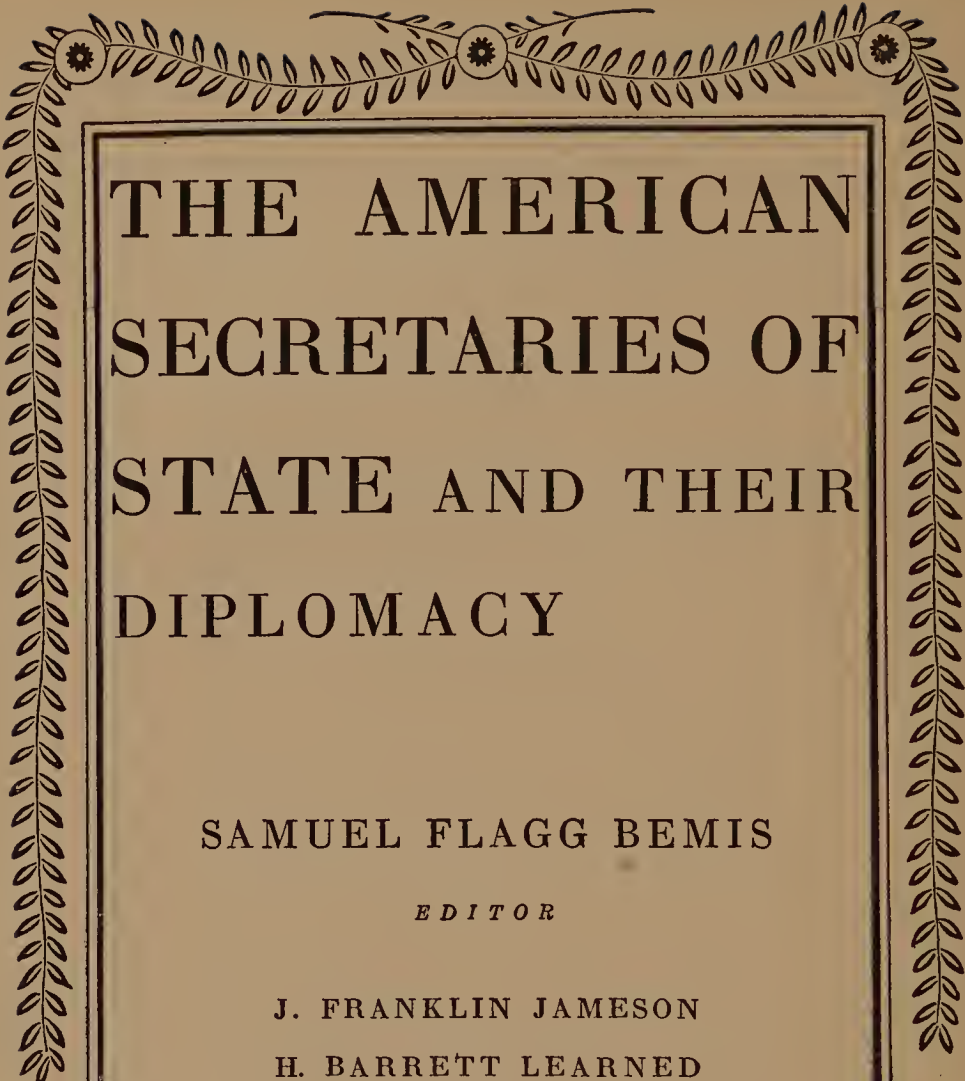


THE
AMERICAN SECRETARIES OF STATE
AND THEIR DIPLOMACY

VOLUME IX



THE AMERICAN SECRETARIES OF STATE AND THEIR DIPLOMACY

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VOLUME IX

JOHN SHERMAN
BY LOUIS MARTIN SEARS

WILLIAM RUFUS DAY
BY LESTER B. SHIPPEE
AND
ROYAL B. WAY

JOHN HAY
BY A. L. P. DENNIS

ELIHU ROOT
BY JAMES BROWN SCOTT

ROBERT BACON
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PHILANDER C. KNOX
BY HERBERT F. WRIGHT



1929

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EDITOR'S PREFACE

TO VOLUME IX

WITH the ninth volume this series reaches the age of the United States as a world power, the advent of which is generally conceded to have been announced by the Spanish-American War. Though John Sherman, during his brief tenure, may not have been primarily in charge of the diplomacy with Spain, his hand was nevertheless not negligible on the Department, as the other activities of his tenure show. Professor Sears in describing this short but puzzling secretaryship also enlightens the reader with an analysis of Sherman's reasons for accepting the office, and of McKinley's reason for the appointment.

To Sherman's subordinate and successor, William R. Day, fell the burdens brought by the Spanish-American War. The diplomatic relations with Spain, which Day handled as a subordinate in the Department, form necessarily a considerable part of the narrative by Professors Shippee and Way.

John Hay began the administration of the Department of State in an age of new power and new responsibilities. Secretary Hay has been almost universally ranked high in the list of our Secretaries. That Hay's achievements, with the possible exception of the "open door" policy in the Far East—itself formulated by other

men before Hay's incumbency of the Department—were Roosevelt's achievements, and that Roosevelt dominated American foreign relations, with Hay as an intelligent and polished subordinate, are becoming more and more apparent. Hay's career as a diplomat is in this volume depicted by Professor Dennis with the assistance of important material never before used by students of history.

The archives of the Department of State have been open to the authors of this series down to the unprecedentedly late date marked by the close of Hay's career. Obvious reasons of public interest would impel serious students to refrain from further encroaching upon the liberality of the Department by requesting to see documents still regarded as confidential; but in the case of the sketches of Secretaries Root and Bacon it is proper to remark that, even though reference cannot be made to still unprinted documents, the author, Dr. Scott, as solicitor of the Department of State, was thoroughly familiar with the details of official business. His relations with Secretaries Root and Bacon brought him into closest contact with both their official and their private lives. It is proper further to state that in the case of Secretaries now or very recently living, whose private papers are still unprepared for study, and whose careers await the maturer judgment of future generations and of different perspectives, the world cannot now hope for a definitive biography, particularly in this short compass. What we here present is the first beams of the historical search-light, as well as review of the essential facts.

The late Secretary Knox, a man about whom opinions

will ever differ, is here for the first time studied as a diplomatist by Professor Wright, whose access to new manuscript material reveals to us angles of Knox's diplomacy not heretofore widely discerned.

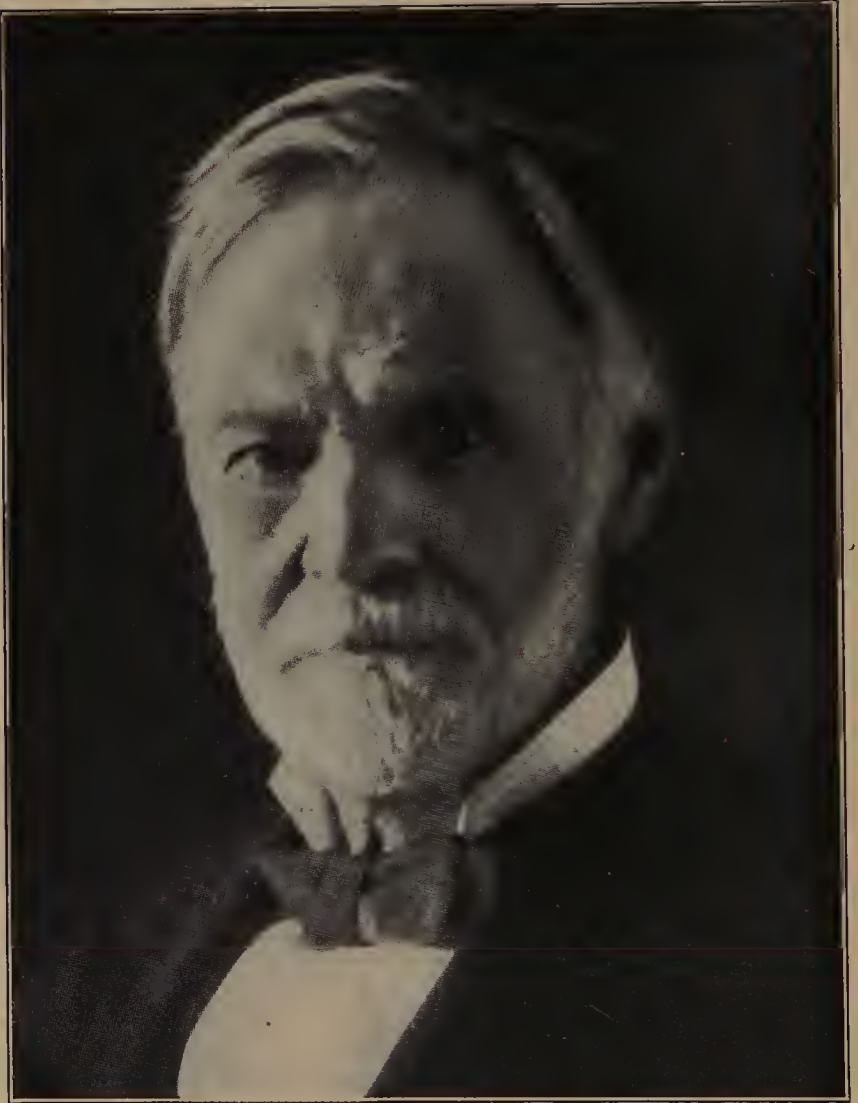
S.F.B.

JOHN SHERMAN
SECRETARY OF STATE
MARCH 5, 1897, TO APRIL 27, 1898

BY

LOUIS MARTIN SEARS, PH.D.

PROFESSOR OF HISTORY
PURDUE UNIVERSITY



John Sherman

JOHN SHERMAN

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JOHN SHERMAN

VARIOUS explanations have been offered of why a man of seventy-four and certainly past the prime of his powers should lay aside a senatorial toga long worn with ease and grace to venture on what for him were the unfamiliar seas of foreign relations. One must look beyond ambition, for John Sherman's fame was long ago secure. Some regard the aged senator as a victim of Mark Hanna. That explanation does not wholly satisfy. It has been suggested, too, that Sherman welcomed office by appointment, as a release from the uncertainties of the 1898 election, the more so as his seat in 1892 had been won with some difficulty. No explanation, however, is complete that passes over Sherman's loyalty to party. The present day knows little of the almost religious fervour that characterized the party allegiance of the generation which followed the Civil War. Certainly Sherman, who in his youth was present at the birth throes of the Republican party and who so long enjoyed its favour, was not the man to oppose in his old age the mandates of his political idol. As he himself once put it, "he made it a rule always to act with his party; on great matters from principle, and on small matters from policy"¹ Three days after he resigned the secretaryship, at the very time when his feeling towards the party chieftains was most bitter, he could warn a friend in Ohio to avoid discussion of the matter lest divisions should arise. "This will not do for as you know I am

heart and soul devoted to that party and will not allow any act of the President to disturb or embarrass it.”² From so loyal a partisan, sacrifice might be expected. An occasion for it arose out of the embarrassments of President McKinley in meeting obligations imposed on him by the campaign of 1896.

The statesman thus called upon for sacrifice was, in 1897, old and full of honours. He had behind him a remarkable record of service as politician and legislator. Entering Congress in 1855, he was continuously in the public arena as representative in Congress, senator, Secretary of the Treasury, and senator once more. He was born in 1823 of stock that for five of the six preceding generations had held some public office. His father's death, when young Sherman was but six years old, left the widow without support. She could not keep together her eleven children, two of whom were destined to win lasting fame in the annals of the Republic. John and his favourite brother, William Tecumseh, were separated. Thanks to the assistance of a kinsman, he received a good preparatory schooling, but he did not attend college.

In early youth he manifested great aptitude for civil engineering and surveying, but the advent in 1838 of a Democratic governor of Ohio led to his discharge from state employment and turned his thoughts to law and politics. On the day of his majority, May 10, 1844, he was admitted to the bar. His practice proved immediately lucrative. He was married in 1848 to Margaret Cecilia Stewart, the daughter of a judge in Mansfield, Ohio. In perfect happiness the couple lived to celebrate their golden anniversary, and more.

Sherman's nomination to Congress in 1854 followed immediately upon the Kansas-Nebraska Act. He entered public life at the full tide of the anti-slavery movement. Bleeding Kansas immediately offered him legislative opportunity. It was he who drew up the majority report of the House upon the constitutional entanglement in the territory. The prominence thus gained he kept in the succeeding Congress. In this he was a member of the committee on naval affairs which passed upon the Paulding incident in Nicaragua, and which ordered an investigation of the Brooklyn Navy Yard. In the Thirty-sixth Congress he was a candidate for speaker, but his anti-slavery record barred the way. Fiscal questions interested him early. He aided passage of the Morrill tariff bill in 1860. Friendly to protection, he avoided its extremes. In 1860 he stumped actively for Lincoln, and when Chase resigned his senatorial seat to enter Lincoln's Cabinet, Sherman was moved into the upper house.

In the Senate he upheld the war to save the Union, for which his famous brother was rendering such distinguished service in the field. Despite a brief service with the army, John Sherman's contribution was chiefly legislative. Financial questions called forth his highest talents. Space here precludes details of his war record as a legislator. In general it may be said that he participated actively in the legislation as to loans, taxes, and the establishment of a national banking system, the series of laws by which the Civil War was financed. In these war years, as also during his many subsequent years as a leader of the Republican party, Sherman was more distinguished for party loyalty than for consistent and outspoken personal policies.

During Reconstruction the Senator was originally friendly to President Johnson. Though later alienated by the latter's violence, he never went to the extreme of Sumner or Thaddeus Stevens. He was disturbed at the virtual disfranchisement of the Negroes, but did not actively oppose the party's policy of comparative indifference towards the freedmen's cause. Towards the greenback controversy Sherman assumed a median position, being more concerned with a refunding of the war bonds at lower rates of interest than with a revision of the currency. Prior to 1872, at any rate, he was friendly to reduction in the tariff, in the interest of both manufacturers and consumers, but he later became a high-tariff man when his party called for it. The income tax had his approval. Specie payment he distinctly sponsored, and he condemned delay in its enactment. He sustained the compromise that fixed the date for this as 1879.

He did not favour the candidacy of Grant in 1868, but supported him in 1872. He campaigned actively for Hayes in 1876, was one of a committee of ten to supervise the counting of Louisiana votes, but opposed as extra-constitutional the electoral commission created to decide between Hayes and Tilden. The electoral commission's decision being rendered, and accepted by Congress, he took the Treasury portfolio under President Hayes. Resumption was the great achievement of his secretaryship. A mammoth undertaking, it was handled with entire success. In 1877 he defended the use of silver as currency, to be maintained at par with gold, though not in the sense of "free silver." In his official capacity he caused the removal of Chester A. Arthur from the

collectorship of the port of New York. Yet so strong a party man was he that very shortly afterwards he aided the campaign for governor in New York of A. B. Cornell, one of Arthur's chief lieutenants, dismissed at the same time.

With the election of Garfield, Sherman returned to the Senate. He remained there for sixteen years. In 1880, 1884, and 1888 he seemed to many Republicans the logical candidate for President, but he never commanded a sufficient following to make him a formidable standard-bearer. On the death of Garfield he lent to Arthur his political allegiance, but not his friendship.

Originally opposed to the exclusion of Chinese, he later modified his views. Similarly he changed from advocacy of closer relations with Canada to recognition that Canada should follow its own path. On the Samoan question as it arose in 1889, he showed himself a friend to compromise. He was interested in the problem of railway rate control, though far from going to the socialist extreme. On the whole, he upheld the rights of corporations. He stoutly opposed, with good Republican protection doctrine, the anti-tariff message of Cleveland in 1887. He was responsible for completing the Washington Monument and for other memorials at the capital. He gave his name to the Sherman Anti-trust Act of 1890, though many of its details were not his.

The declining value of silver in the early nineties led to fresh currency problems, with whose solution Sherman was identified. He was a bimetallist so far as that position coincided with adherence to the gold standard. The McKinley tariff bill of 1890 in most respects he favoured. As chairman of the Committee on Foreign

Relations, he was concerned with the renewed interest in an Isthmian canal, manifested in 1891 and the following years. The death of General William Tecumseh Sherman in 1891 was a great blow to him. He supported Harrison in 1892, though confident he could not be elected.

President Cleveland had the support of Sherman in efforts to counteract the financial demoralization of 1893. The Wilson-Gorman Tariff Act he opposed. On Hawaiian annexation he was flatly opposed at every point to Cleveland. He wished incorporation of the islands as part of California. Towards Venezuela he was more conservative than the Administration; whereas his attitude towards a strong policy in Cuba was more advanced than Cleveland's. In the campaign of 1896 he spoke on behalf of McKinley, but at the age of seventy-three was not equal to the more vigorous efforts of his youth. His memory was proving unreliable and should have warned both party leaders and himself against placing him in unaccustomed situations.

Such in brief was the career of the devoted Republican who in 1897 was called upon to create a senatorial vacancy for Marcus Alonzo Hanna. The part played by Hanna in the election of his beloved friend McKinley pre-eminently entitled him to party favour. This the President gratefully acknowledged. He urged upon his Warwick a Cabinet position. First the Treasury, then the Postmaster-Generalship were held out. Hanna did not care for these. His heart for years had been set upon the Senate. To put him there one of the elected senators from Ohio must resign, so that Hanna might fill the vacancy by gubernatorial appointment.

Thus between Mark Hanna and his goal it is readily perceived that, even with the President committed in his interest, two serious obstacles intervened. First, no senatorial vacancy existed. Secondly, if one could be created, there was no certainty that the Governor of Ohio, Asa S. Bushnell, would select a political foeman for the honour. For Hanna had opposed the Governor's election and subsequently had displayed no signs of penitence. To overcome the first obstacle it was inconceivable that Joseph B. Foraker could be budged from his first term as senator. The only hope lay in the aged and loyal Sherman, who, though not amenable to coercion, might yield to moral suasion. There were secondary reasons that might help. If he did aspire to lengthened service, four years with the executive branch of the Government was more to be desired than two years with the legislative. The place of honour in McKinley's Cabinet unquestionably afforded the allurements of climax. It would crown a great career. But chiefly there was the disinterested motive of helping to solve a most embarrassing political entanglement. To relieve the President called into action both personal and party loyalty.

Assuming for Sherman the motive of self-sacrifice—though it could scarcely have been wholly that—one still must needs analyse the point of view of Hanna and McKinley. It is easy to believe that the former felt entitled to concessions. He had laboured mightily for Sherman in the campaign of 1892. For this he had been warmly thanked by letter, but he was mentioned never once in Sherman's *Recollections of Forty Years*, which was published in 1895. Some rift must have come between them. Its cause has not been definitely ascertained.

But assuredly Mark Hanna was not the man to be deterred by delicacy from accepting payment for an obligation—however high the price might seem to a disinterested observer. To have John Sherman step aside for him seemed only meet and right.

The motives of the President undoubtedly were more complicated. First and foremost, his friend must be appeased. The Cabinet positions were proffered urgently. Failing their acceptance by Hanna, a Senate seat must be obtained for him at any cost. Was that cost too high? Joseph B. Foraker, Shelby M. Cullom, Champ Clark, and others have dealt severely in their memoirs with McKinley for appointing Sherman as Secretary of State. Foraker, for example, relates the making of a special trip to Canton to warn the President-elect of Sherman's failing powers. It had been observed that the Senator's memory, which for names and faces never had been very good, now was growing very poor. The junior Senator foresaw awkward consequences from the numerous contacts and novel situations that his colleague would be called upon to face in the Cabinet position. In the Senate Sherman was still equal to requirements; headship of a great department would impose demands just where his powers were weakest.³

These fears and comments of the politicians have been echoed by historians. James Ford Rhodes reproaches McKinley for his choice of Secretary, and William Roscoe Thayer is sharply critical when he says: "To force the venerable Sherman, whose powers were already failing, into the most important office after that of the President himself, showed a disregard of common decency not less than the safety of the nation."⁴

The boggy of weak-mindedness had no terrors for McKinley. He knew that a poor memory for names is by no means inconsistent with great mental power—a quality which Sherman still could amply demonstrate, as, for that matter, he continued to do from time to time even after resigning his portfolio. In a letter to the editor of the *Chicago Tribune* the President-elect expressed his opinion that “the stories regarding Senator Sherman’s mental decay are without foundation and the cheap inventions of sensational writers or other evil-disposed or mistaken people. When I saw him last, I was convinced both of his perfect health, physically and mentally, and that his prospects of life were remarkably good.”⁵

Under the circumstances it was natural for McKinley both to discount the rumours of infirmities and to capitalize the assets that John Sherman would bring to his new office. Big business would appreciate a safe man at the helm. Tariff adjustments with neighbouring powers would be peculiarly well handled by so eminent an authority. The Administration would undoubtedly gain prestige from a great political personality in the State Department. Bothersome details of the office could be entrusted to a capable assistant. In the President’s opinion the arguments of reason reinforced the dictates of necessity. That the choice soon proved unfortunate does not warrant Thayer or others in calling into question the essential patriotism of the President.

The President-elect in a brief note dated January 4, 1897 tendered Sherman the office of Secretary of State. Acceptance followed. A week later the future Secretary was very cordially invited to Canton for a conference.

Apparently the case was settled, but friends soon protested. A reply to one of these should be read into the record as indicating that as late as February 9 the retiring Senator wavered in his choice:

“U. S. Senate Chamber
“Washington, D. C.,
“Feb. 9, 1897

“Hon. Richard Smith,

“My dear sir:

“Your letter is just received. I have thought over the matters you refer to, and am inclined to believe you are right. But I have so committed myself that I could not withdraw from my acceptance of the office of Secretary of State without creating serious embarrassments to President McKinley. I think you had better write directly to him your views upon the subject as freely as you have written to me. I will not show him or anyone your letter, nor will I ask to be relieved from my engagement to him without his full consent. Personally I have but little choice in my position, whether in the Senate or the Cabinet, but will do whatever is best for the Republican party if it can be ascertained.

“Very truly yours,
“John Sherman.”⁶

The concluding sentence is by far the most significant.

Removal of Sherman did not guarantee appointment of Hanna, who was kept as long as possible upon the anxious seat. The Bushnell-Foraker forces finally succumbed, however, and McKinley entered upon his Ad-

ministration with a temporary truce in Ohio's feuds and schisms.⁷ The plans of Hanna had now been fulfilled. As his biographer observes, if Sherman was a victim of these plans he was, at any rate, a willing victim.⁸ What Mr. Croly in his biography of Hanna fails to note in stressing this willingness of Sherman, is that it proceeded from loyalty to party and to President and not from personal ambition.

Having examined at some length the motives that impelled the aged Sherman to take so radical a step, we now face an equally perplexing problem—the degree of actual influence exerted by the Secretary upon the Department during his term as Secretary of State. The new incumbent was surrounded by able men. The First Assistant Secretary of State, confirmed by the Senate in May 1897, was Judge William Rufus Day, of Canton, Ohio, close friend of President McKinley, a man of high capacity, who succeeded his chief in office. In Mr. Alvey A. Adee, Second Assistant Secretary, the Department possessed a diplomatist of extraordinary experience, who had grown to fulfil the functions of a permanent under-secretary in all except in name. John Bassett Moore also served occasionally as Acting Secretary of State. For advice upon the later developments of the fur-seal question the Secretary might rely upon General John W. Foster, who succeeded James G. Blaine as Secretary of State in the Cabinet of Harrison and who accepted the position of American agent in the fur-seal arbitration. But it is only fair to Sherman to remember that these subordinates, however competent, were merely his lieutenants. Their acts became of necessity his own

and he was responsible for them. Anyone who finds difficulty in remembering names must protest against assuming that because this infirmity in Sherman had attracted notice, he was no longer capable of concentration upon policies and major issues. It is manifestly impossible to determine just where Sherman's contribution ended and other men's began. But it is fair to assume for Sherman, in addition to general responsibility for the administration of the Department, a personal interest at least in those diplomatic issues contingent on the tariff.

These issues grew in part out of the fear entertained chiefly in Latin-American countries that the tariff act of 1897 bore upon them with unequal incidence. It was necessary to remind them, with such tact as might be, that no unfairness was intended, but that if retaliation was attempted, the United States had as a counter weapon a genuinely preferential tariff schedule. The instructions of Sherman to United States ministers in Latin America covering these misunderstandings on the tariff and other more or less related matters are not of sufficient interest to be included here, except in the accompanying footnotes.⁹ It should be observed, however, that the Secretary vigorously formulated and upheld the American interpretation of most-favoured-nation trading obligations: namely, that when one nation extends to another a particular trade concession in return for a privilege received, it does not *ipso facto* extend the same concession to nations enjoying most-favoured-nation treaty privileges, but not giving the same privilege in return for which the concession is granted. A contrary interpretation, said Sherman in a note to the Argentine Government, "instead of maintaining destroys that equality

of market privileges which the 'most favored nation clause' was intended to secure." In proof of this, numerous authorities were cited, and the conclusion was reached that the American interpretation of such clauses "may now be fairly considered as a part of international law."¹⁰

A study of American diplomacy reveals that the policy of the "open door" in China, popularly and justly associated with John Hay, had deep roots in the past. With its remoter origins the present chapter is not concerned, but in Sherman's term a marked development was evident. Already the pot was boiling that bubbled over in 1900. Much correspondence related to missionaries and their converts.¹¹ The claim of a Chinese to American citizenship based on naturalization in 1852, long prior to the exclusion acts, and fortified by frequent exercise of the right of suffrage, was denied in an instruction of great interest founded mainly on decisions of the Supreme Court of the United States.¹² More significant in the light of subsequent developments was Sherman's vigorous demand for punishment of the Governor of Shantung on account of his anti-foreign attitude. "The matter is an important one and one in which this Department is deeply interested. It is essential that the punishment of provincial authorities who endeavor to excite ill-will and feelings of animosity against foreigners should be vigorously insisted upon, and, if necessary, their dismissal from office demanded."¹³ Unqualified approval was expressed for the vigorous action of Germany pursuant to the murder of her missionaries. "It is expected that good results will follow from this exemplary action."¹⁴ The Boxer rising cast its shadows before.

In Korea the insubordination of our minister at Seoul monopolizes interest. American citizens, chiefly missionaries, having interfered in local politics, the State Department forwarded instructions covering their neutral obligations. These the minister ignored for a full year, until sharply brought to book. In diplomatic language he was told he had "adopted a course which the Department cannot commend."¹⁵

Curiously enough, missionary interests were as much involved in Denmark as in Korea. Here the Mormons were concerned. Their rights as citizens needed definition. The Department held that so long as they obeyed the law, the Mormons had all the rights of other sects, to cease, however, in the event of their propagating doctrines immoral or illegal.¹⁶

Of more far-reaching interest than the rights and wrongs of missionaries was the tension with Japan resultant on Hawaiian annexation. Japan professed anxiety lest annexation should extinguish previous treaty rights. Let her be reassured upon this point. As for the counter rumours of Japan's own designs upon Hawaii, the Department discredited them wholly.¹⁷

It is not likely that Sherman personally controlled the details of our Far Eastern policy, more than to sign the notes submitted to his judgment by capable subordinates. That the important Hawaiian treaty was not under his immediate direction is established by the statement of John W. Foster that Judge Day was actually in charge and that much awkwardness resulted from Sherman's unawareness of developments. On the eve of signing the annexation treaty, for example, Sherman assured the Japanese minister that no treaty was

in contemplation. He spoke the truth as he knew it. Japan soon thought it perfidy and emphatically protested.¹⁸ Japan objected also to the tariff, but her favourable trade balance was regarded as hostage for fair play. Commercial relations were, however, especially commended to our minister's attention.¹⁹

The diplomacy of an industrial and commercial nation naturally centres on things mercantile. This was undoubtedly true in the McKinley Administration. The chief significance of American relations with Italy, Austria-Hungary, and the Netherlands was of this character. With the first named it was necessary to restate at length the American concept of the most-favoured-nation clause, a matter newly emphasized by the tariff act of 1897.²⁰ The attitude of Austria-Hungary raised the boggy of a general European "combination against American competition," a project upon which Germany in particular was believed to look with favour.²¹ And a warning note of future oil-complications might be apprehended in the reluctance of the Dutch Government to admit Americans to ownership in a company then forming for exploitation of Sumatra oil.²² The Standard Oil Company of New York was mainly instrumental in bringing the matter to the attention of the Department.²³

Relations with France²⁴ and Germany were of necessity commercial. American pork was a perennial issue. More delicate negotiations with Germany concerned the laws of naturalization. The German claim to military service from resident Americans of German origin had given rise to many complications. Fresh developments in Sherman's term called forth instructions of unusual

interest, in which the skill of John Bassett Moore was doubtless manifest. Space unfortunately precludes detailed examination of so technical a subject.²⁵ German relations were complicated by the federal character of the Empire, whereby local opposition could nullify imperial commitments.²⁶ Relations with Germany were friendly at this time, and, as we have seen, no opposition was recorded to Germany's activities in China. The leasing of Kiaochow nevertheless aroused some faint misgivings, for inquiries were straightway instituted as to the prospective attitude of Germany towards foreign commerce at this port.²⁷

Broadly speaking, Russo-American relations paralleled those with Germany. The rights of citizens were in dispute, the issue touching mainly the right of American Jews of Russian birth to travel in their former country.²⁸ Russia also, like Germany, was menacing the integrity of China. Her intentions at Port Arthur were fit subject for inquiry, and the President was declared to be "in sympathy with the policy which shall maintain open trade in China."²⁹ Opening of the Klondike forecast boundary troubles between Canada and Alaska. To be forearmed the Department sought copies of the Russo-British correspondence of 1823-1825, "of which the selections given in Volume IV of the Fur Seal Arbitration proceedings show the importance."³⁰ It is unlikely, however, that details of this sort required the personal intervention of the Secretary.

Other sketches in the present series have told the story of the "loot and ruin" of the fur-seal fisheries. When President McKinley took office, the resource had been woefully depleted. The questions of international

law involved were settled by the Paris Arbitration. But the seals themselves were increasingly exposed to the depredations of pelagic hunters, against whose operations the United States was rendered by international law powerless to protect them. Their existence as an economic resource was threatened with immediate extinction. The only hope of safeguarding the pitiful remnant of the herd lay in international co-operation. Joint action by the United States, Great Britain, Russia, and Japan could alone control the taking of seals in the open seas, the worst menace to their survival as a useful species. But on an issue in which Great Britain, with her monopoly of the dyeing of sealskins, had an interest only second to our own, British policy deferred to Canadian rather than to strictly island interests. Reports of British experts sent out to learn the facts were doctored to Canadian taste.³¹ Even John Hay, who was nothing if not Anglophil, designated British policy as "tricky and tortuous."³²

John W. Foster was named as special commissioner to deal with new developments in the seal controversy. We have his own word that he prepared one note of Secretary Sherman to the British chargé.³³ There were others too, no doubt; but the President felt keenly on this subject,³⁴ and it is unlikely that Sherman was indifferent. Irritability of temper grew upon him noticeably in this year at the Department. British temporizing did not tend to diminish it.

The slaughter of the seals continued throughout the season of 1897 despite our efforts to prevent it. The avarice of Canadian fur-hunters prevailed.³⁵ A conference called to meet at Washington in October³⁶ formulated,

it is true, the policy that eventually saved the herd,³⁷ but it had no immediate success. The fur-seal diplomacy carried on during Sherman's incumbency of the State Department marked an advance step, but did not close the issue.

No attempt can here be made to analyse in any detail the background of the war with Spain. Here the activity of the Department was a direct expression of the popular will, rather than the routine conduct of a chancellery. Moreover, for the fact that developments were leading inevitably towards war, Sherman was not in any sense responsible. During his last year in the Senate, it is true, Sherman had become somewhat of a jingo.³⁸ But as Secretary of State he carried out the promise of the closing sentence of his *Recollections*, wherein he said: "If my life is prolonged I will do all I can to add to the strength and prosperity of the United States, but nothing to extend its limits or to add new dangers by acquisition of foreign territory."³⁹ An enemy to the expansion of the United States overseas and an opponent of all unnecessary tutelage of Cuba, Sherman worked consistently for peace and to the last believed that had circumstances been more favourable, he could have had his wish.

The legacy of peace, from Cleveland; the rising indignation against Weyler and his concentration policy; the incident of Dupuy de Lôme's ill-fated letter; the destruction of the *Maine*, and the subsequent report concerning it; the efforts made by Spain to meet our wishes; the final urge to war—all these events are a part of the nation's history, but a part in which John Sherman's share was steadily diminishing. By all ac-

counts the burden of the case was Day's, though certain personal allusions in the grilling of Dupuy de Lôme bear internal evidence of Sherman's touch.⁴⁰ Major policies, certainly in the manner in which they culminated, were not his own.

Less well known than these vital issues, but indicative, one feels, of keen foresight, was an effort made in the summer of 1897 to ascertain the attitude of the principal European powers towards possible intervention of the United States in Cuba. When General Stewart L. Woodford set out for Spain as minister,⁴¹ he was instructed to confer at London with John Hay,⁴² at Paris with General Horace Porter,⁴³ and with Dr. Andrew D. White,⁴⁴ who was ordered from Berlin to meet him. Each of these acute observers was instructed to furnish an appraisal of opinion, diplomatic, political, and financial, in the country of his residence for the benefit of Woodford and the State Department both. The projected meeting of these ministers suggests an obvious parallel with that of Buchanan, Mason, and Soulé, preliminary to the Ostend Manifesto.

Whatever the outcome of the increasing difficulty with Spain, Sherman must have felt a satisfaction that the Joint Resolution of April 1898, passed just before his resignation from the Department of State and precipitating war, disclaimed for the United States all sovereignty in Cuba.⁴⁵ Republican of Republicans, Sherman was not an imperialist. In his retirement, now at hand, he was to exert what influence remained to him to divert his party and his country from the paths of empire.

Details of what led to Sherman's resignation on April 25, four days after the outbreak of the war, are

not precisely clear. It is certain that Judge Day had been attending meetings of the Cabinet, in itself a grave affront. A serious lapse of memory revealed in conversation with the Austrian minister is also given as the cause.⁴⁶ Some criticism had been roused by Sherman's over-frank communications to the press. Substantially, however, the explanation narrows to the unforeseen complexities that were rendering the secretaryship untenable. Dignity demanded that when the substance of his office passed to Day, the shadow follow too. It was all inevitable, but painful none the less. In finally severing their ties the Secretary gave the President a most uneasy hour.

In retirement Sherman never lost his rancour towards the President, for precipitating a situation that made his resignation necessary, nor towards Mark Hanna, whom he felt to be the source of all his woes. His final portion was a bitter one. Yet he should have known that posterity would judge him by the high achievements of his prime. Comfort, too, there should have been in knowing that even in the State Department his work was not ill done. It was a busy year, of large horizons. Foundations were being laid for the brilliant culmination under Hay. Justice should award to Sherman at least the credit for a steady policy and the absence of any serious mistakes. If the conduct of the State Department was largely matter of well-oiled routine, the Secretary ought not to be ignored. He was a very able man and he headed his Department.

In 1898 the span of Sherman's life was nearly run. He returned for a time to his home in Ohio, where his property demanded some attention. But Washington

remained the magnet. He liked particularly to visit the Senate when it was in session. Here he and Foraker became increasingly friends. Hanna he avoided. The McKinley Administration continued to find in him a critic. His last days were saddened by the death of his dearly beloved wife. He followed her on October 22, 1900, with burial from Old St. John's, in Washington, and interment at Mansfield, Ohio. Sherman and the era that he represented passed out together. The old nationalism was merging with the new imperialism. New times demanded other men.

WILLIAM RUFUS DAY

SECRETARY OF STATE

APRIL 28, 1898, TO SEPTEMBER 16, 1898

BY

LESTER B. SHIPPEE, PH. D.

PROFESSOR OF AMERICAN HISTORY

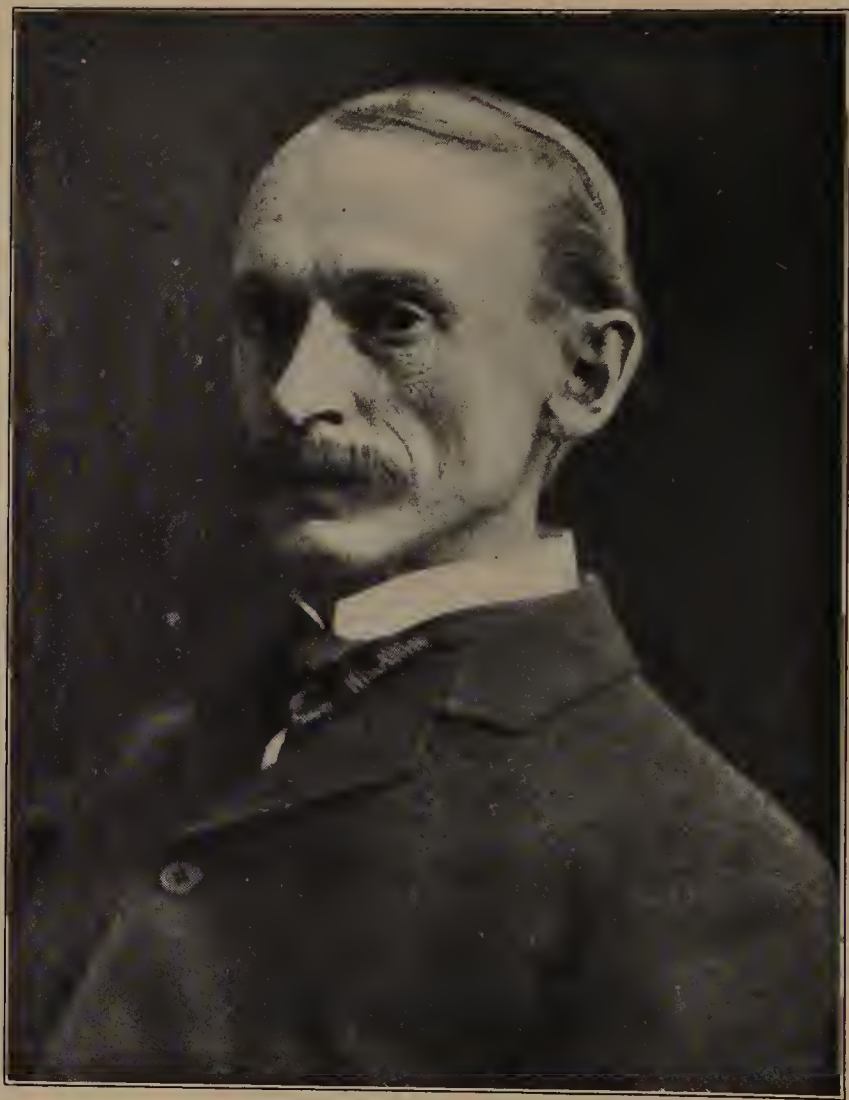
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William R. Day.

WILLIAM R. DAY

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WILLIAM RUFUS DAY

CHAPTER I

A DRAFTED SECRETARY

WHEN, four days after the Spanish-American War formally began, Secretary Sherman sent his resignation to President McKinley, it was the most natural thing for the latter to turn once more to his old friend from Canton, Ohio, and to ask him to assume the status along with the burdens of Secretary of State. Again Day responded to the call of friendship and of patriotism, putting aside financial caution and a natural reluctance to identify himself still more specifically with the tasks of a federal department, for the problems of which he had only the experience gained during the year he had been Assistant Secretary.

William Rufus Day, who was to head the Department of State through a scant five months—months packed with problems the decision of which would have momentous and determinative influence on the future of the United States—was born at Ravenna, Ohio, on April 17, 1849. His father, Luther Day, had been chief justice of the supreme court of Ohio, and the son followed the law in the footsteps of his sire. With his formal education begun in the local schools, he completed his preparation for college at an eastern institution and entered

the University of Michigan with the class of 1870. After his graduation Day returned to Ravenna for about a year to read law in the office of Judge G. F. Robinson, and then spent another year at Ann Arbor in the law school of the University. He was admitted to the bar of Ohio and in October 1872 entered upon the practice of his profession in Canton, in partnership with William A. Lynch.

It was in Canton that he became acquainted with Miss Mary E. Schaefer, whom he married in 1875, and it was there that his four sons, William, Luther, Rufus, and Stephen, were born. For fourteen years after his establishment in this little Ohio town his career was that of an attorney, busied especially with criminal and corporation cases. While politics did not attract him—Day left that activity to his partner—in 1886 he was elected to the bench of the common pleas court, after being nominated by both Republicans and Democrats. The inadequate salary of a judge drove him back into private practice until 1889, when President Harrison appointed him a judge of the United States district court for the northern district of Ohio. On grounds of health, Day resigned this position even before the time came to take up its duties. Practice of his profession continued to engage his attention until, in 1897, he was called to Washington by President McKinley.

Five years before Day settled at Canton, William McKinley had hung out his shingle and got into the political game in the same town. In 1869 he opposed and defeated Lynch, later Day's partner, in a race for the position of prosecuting attorney. Lawyers in a town of some five thousand, the young men were thrown

much together, and between Day and McKinley particularly there grew up a close friendship, which persisted until the latter's death in 1901. As McKinley devoted more and more of his time to politics, Day became not merely a confidential friend, but a legal and financial adviser. He was one of the group that, in 1893, extricated McKinley from the financial snarl into which he was brought by the bankruptcy of a friend whose paper he had endorsed.

When McKinley became President and after John Sherman had been persuaded to be Secretary of State, it was this close personal tie that led the former to ask his friend to be near him in Washington as Assistant Secretary of State. Affection and desire to be of service must have been the predominating motives that led Day to accept the appointment; he was not trained for the office, had no especial inclination for its peculiar problems, and could look for no material advancement from it. Indeed, he sacrificed a modestly lucrative practice, which had almost entirely to be relinquished, for the far more modest stipend of a subordinate official, whose position carried with it no social distinction, although this last meant little to a man so unassuming and retiring and so little inclined to seek diversions outside his family and his books.

Judge Day made no pretensions to being a diplomat. "I see," he said to a friend one day after he had been some little time in the Department of State, "I see that the newspapers talk about the diplomacy of this administration as 'amateurish,' and I must confess that it is."

Appointed in April and taking up his duties in May

1897, Day soon found that he would be obliged to assume more and more the burdens and, in everything except name, the responsibilities of Secretary of State. Just where the division of real work and real responsibility between Secretary Sherman and Judge Day lay, it is impossible to say.¹ Before long it became the custom of the President to invite the Assistant Secretary to attend meetings of the Cabinet, at least when there were under consideration questions upon which he had been working personally, and the evidence points to the conclusion that the President came to look upon his old friend as the person most fitted to consult on foreign issues. When, on April 25, 1898, John Sherman resigned his post, nothing was more logical than the appointment of Day to succeed him.²

News of Sherman's resignation reached the judge just as he was arriving with his son Luther for a brief visit in Canton. If acceptance of the subordinate position had meant financial sacrifice, to become Secretary of State would mean still greater sacrifice, without the compensation of feeling that a definite ambition was being gratified. However, there was scarcely any choice; his year in the Department had made him somewhat familiar with the routine, and he had been directly in charge of the Spanish negotiations and the questions most intimately connected with them. Even had there been no deep sense of loyalty to his chief, it is impossible to think that Day would have felt he could conscientiously deprive the Administration and the country of his knowledge and experience at a time when both were needed.³

In studying the conduct of foreign affairs and the

formulation of foreign policy in every administration there is always a question as to where the real initiative lay—with the President, with the Secretary of State, or elsewhere. The responsibility, of course, is the chief executive's, but it by no means follows that his was the mind in which a certain line of action was originally determined upon. As between President McKinley and Secretary Day the situation appears to have been something like this: in the first place, the crisis in the relations between the United States and Spain caused other issues to be subordinated to it; hence all major diplomatic questions for the time being grew out of or were involved in the Spanish-American issue. There is no surface indication that Judge Day was the author of any important policy, although he appears to have despaired sooner than the President of settling the Cuban question peacefully, and his views about the Philippines must have had weight. But the essential decisions were made in the White House. This by no means implies that Day was a mere rubber stamp; it means that the two men either thought alike on essentials, or that differences, if there were any, were ironed out between them in private and confidential interviews, although there appears to be no evidence to support a belief that there was any radical divergence in their views. A sketch, then, of Judge Day's administration of the Department of State involves considerable attention to the attitude and course of President McKinley.

Another difficulty which presents itself in an attempt to give an account of Day's activities lies in the fact that to all intents and purposes he had been entrusted with as much responsibility in many matters which

came up while he was Assistant Secretary as he had to assume when he was Secretary in name. There were, it is true, certain questions that logically may be identified with Sherman and they have been considered in the preceding sketch in this series; others, notably the Hawaiian annexation problem and the Cuban difficulties culminating in the Spanish War, were peculiarly Day's province; consequently in tracing their main phases the metamorphosis of the Assistant Secretary into the Secretary will be treated as a mere incident.

Secretary Sherman had the assistance of an able corps of subordinates. Secretary Day was no less fortunate. After Sherman's resignation Alvey A. Adey continued to fill the position of Second Assistant Secretary, while John Bassett Moore was persuaded to obtain leave of absence from Columbia University, where he was professor of international law, to begin a notable career as First Assistant Secretary in the Department.

CHAPTER II

THE HAWAIIAN TREATY

IN his *Diplomatic Memoirs* John W. Foster relates that after he had been delegated by President McKinley to go to London and to St. Petersburg on the mission relative to the protection of the fur seals, he was requested by Judge Day "to draft a form of treaty of annexation of Hawaii, as, he said, it was the intention of President McKinley to make such a treaty and send it to the Senate as soon as the pressure of business would allow." "Judge Day," continues Foster, "at the time had had little experience in diplomatic matters, and in handing to him the draft of the treaty rolled in a small compass with a rubber band, he held it up and said to me: 'And that little roll can change the destiny of a nation.'"

The project of Hawaiian annexation was no new thing, as the preceding sketches in this series have shown. It had been Foster's treaty that President Cleveland had withdrawn from the Senate in 1893, and it had been a project to which the Republican party was officially committed that a Democratic President had interfered with. In 1896 the Republican National Convention had gone on record in favour of annexation. In the islands themselves the provisional Government established in 1893 had given place to a permanent one, and the Republic of Hawaii had been recognized as one of the family of nations. Those who were behind

the new Government, however, did not contemplate at any time the long continuance of this independent status; they were merely biding their time until a moment favourable to annexation should come—when there should no longer be in the White House the man who had put a stop to their plans in 1893.

Under the circumstances, then, the framing of a treaty by Foster and the Hawaiian commissioners, Francis M. Hatch, William A. Kinney, and Lorrin A. Thurston, was a business which consumed very little time and which was accompanied by a minimum of haggling. On the sixteenth of June 1897 the convention was signed and transmitted by the President to the Senate. While the name of Secretary Sherman was attached to the treaty, not only did he have no direct connexion with its negotiation, but he was without knowledge that any such treaty was being drawn. Judge Day was directly responsible for its negotiation. General Foster did the work. The ultimate responsibility and immediate initiative may be accredited to President McKinley.⁴

The report accompanying the treaty and reviewing the negotiation was also signed by Secretary Sherman, but here, too, the work bears all evidence of having come from the hand of Foster. In this document occasion was taken to call attention to the circumstances attending the formation of the provisional Government in Hawaii; the transition to a republic recognized by the nations of the world was cited; and particular notice was taken of the article in the constitution of the Republic of Hawaii authorizing its President, with the approval of his Cabinet, to make a "treaty of political

or commercial union between the Republic of Hawaii and the United States of America."

"The present negotiation is, therefore, . . . not a mere renewal of the tender of Hawaiian territory made in 1893, but has responded to the purpose declared in the Hawaiian constitution. [A simple commercial union was impracticable.] Turning then to the various practical forms of the political union, the several phases of a protectorate, an offensive and defensive alliance, and a national guaranty were passed in view. In all of these the independence of the subordinated state is the distinguishing feature, and with it the assumption of the paramount state of responsibility without domain. This disparity of the relative interests and the distance separating the two countries could not fail to render any form of protective association either unduly burdensome or illusory in its benefits, so far as the protecting state is concerned, while any attempt to counteract this by tributary dependence or a measure of suzerain control would be a retrograde movement toward a feudal or colonial establishment alike inexpedient and incompatible with our national policy. [Annexation, then, alone remained the solution] satisfying all the given conditions and promising permanency and mutual benefit."

President McKinley, in his letter of transmittal, pointed out that annexation was the necessary and fitting sequel to a chain of events which, from a very early period in our history, has controlled the

intercourse and prescribed the association of the United States and the Hawaiian Islands. The idea of union was not a new idea. It was "the inevitable consequence of the relation steadfastly maintained with that mid-Pacific domain for three-quarters of a century. Its accomplishment, despite successive denials and postponements, has been merely a question of time." The failure of the treaty of 1893 and the four-year delay gave the Hawaiian people an opportunity to establish a government, to secure recognition, and to demonstrate their ability "to enter, as a sovereign contractant, upon a conventional union with the United States, thus realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian governments through twenty years of their virtual dependence upon the benevolent protection of the United States. *Under such circumstances annexation is not a change. It is a consummation.*"

Such mellifluous words ought to have softened the heart of the most stubborn senator!

By the treaty Hawaii ceded all rights of sovereignty, and the islands were to be annexed to the United States under the name of the Territory of Hawaii; public property was to be transferred to the United States, which assumed Hawaii's public debt in a sum not exceeding four million dollars. Existing treaties must be replaced by those made or to be made by the United States. Further immigration of Chinese to the islands, "except upon such conditions as are now or may hereafter be allowed by the laws of the United States," was prohibited, and no Chinese were, by reason of anything in the treaty, to be allowed to enter the United

States from the Hawaiian Islands.⁵ Japanese were not mentioned.

Soon after transmittal to the Senate the contents of the treaty and the accompanying documents were made public, and again there was considerable public and newspaper discussion, with opinion almost as varied as it had been when the treaty of 1893 was under consideration. There was not a little effort on the part of those interested in carrying through annexation to stir up public opinion and bring pressure to bear upon the Senate. On the other hand, opponents, and they were many and of many motives, rallied their forces to counteract the annexationists. One of the latter, and a most decidedly interested party, was the deposed Queen of Hawaii, Liliuokalani, who, after having been released by the Hawaiian Government, had come to the United States and was staying in Washington to watch over her island kingdom's fate. When the treaty was made public, she discovered that while the treaty of 1893 had made provision to pay annuities to her and to some others of the royal family, this new one omitted any such stipulation, at the same time providing for taking over what was designated the crown lands under the old regime. Queen Liliuokalani sent to the Department of State an "official protest" declaring the treaty "an act of wrong toward the native and part-native people of Hawaii, an invasion of the rights of the ruling chiefs, in violation of international rights both toward my people and toward friendly nations with whom they have made treaties, the perpetuation of the fraud whereby the constitutional government was overthrown, and, finally, an act of gross injustice to

me.”⁶ Needless to say, while the ex-Queen was courteously received by both the President and Secretary Sherman, her “official protest” fell upon deaf ears.

A more significant protest, potentially, was one from the Japanese Government when the news came out that the treaty had been signed. For many years there had been steady immigration of Japanese into Hawaii to supply the demand for labour on sugar and other plantations, owned for the most part by Americans or Hawaiian-Americans. Indeed, the total American and European population of the islands amounted to only about one-sixth of the Japanese, who were twice as numerous as the native Hawaiians. Consequently “Japan made a protest to America on the ground that her interests were vitally involved, because of her close relations with the Islands, not only on account of the great number of emigrants of her nationals there, but also on account of the Pacific itself and of the geographical propinquity of Hawaii. Furthermore Japan was apprehensive that, should America once annex Hawaii, the other Powers, following America’s example, would also begin to grab the archipelagoes of the Pacific.”⁷ How few there were left to grab!

Secretary Sherman, in ignorance of what was going on, had assured the Japanese minister, in response to an inquiry whether there was anything in the rumour that a treaty of annexation was under consideration, that there was no such negotiation. Whatever his suspicions might have been, the minister could hardly do otherwise than take the word of the Secretary of State at its face value and so inform his Government. Hence, when the news came out that not only had there

been negotiations, but that a treaty of annexation had been sent to the Senate for ratification, both the minister and his Government could feel that Japan had been intentionally deceived or had been trifled with. The Japanese Government, moreover, was at the time in a controversy with Hawaii about the exclusion of certain immigrants, and if sovereignty should pass to the United States, there might be difficulty in getting the matter adjusted.

There was some feeling in Washington that the Japanese protest might be followed by a determined stand against American annexation, and while the Japanese minister was home during the summer, newspaper comment from time to time kept the affair alive. Theodore Roosevelt, then Assistant Secretary of the Navy, was one of those who thought Japan's attitude might be menacing; on September 15, 1897 he wrote to Henry Cabot Lodge: "He [the President] is evidently by no means sure that we shall not have trouble with either Spain or Japan; and, though he wants to avoid both, yet I think he could be depended upon to deal thoroughly and well with any difficulty that arises."⁸

In the early part of December the Japanese minister, Toru Hoshi, returned to Washington and in an interview with some newspaper men talked rather freely about the question. "Mr. Hoshi said today that while he had no intention of discussing in the newspapers the official relations of his country with the United States, he thought it was due to both Governments to disavow in the most public manner the sentiments and designs regarding Hawaii's annexation, frequently attributed to Japan in the press of the country." He went on to

say that while at one time there was a protest, that protest referred to certain rights pertaining to Japan and her people which momentarily appeared to be threatened.⁹ The formal withdrawal of the protest, indeed, came the next week. Nevertheless, it seems rather certain that, had it not been for internal difficulties faced by its Government, Japan would have assumed a less yielding attitude.

The special session of Congress came to an end in the summer of 1897 with the annexation treaty still unratified. In his first annual message, in the following December, President McKinley reverted to the topic. After stating that the President and Senate of the Hawaiian Republic had unanimously ratified the treaty, he urged, as he had in June, like action by the United States Senate. The opposition of the Democrats together with that of some Republicans who represented certain economic interests which appeared to be threatened by annexation made it appear that the two-thirds necessary for ratification would be difficult, if not impossible, to obtain. Thereupon recourse was had to the Texas device of 1845, and a joint resolution, which required only a majority in each house, was passed and signed by the President. By this time new factors had appeared. The Cuban difficulty had ripened into the Spanish-American War, Commodore Dewey had destroyed the Spanish squadron in Manila Bay, and the need of some base between San Francisco and the Philippines seemed to the Administration to make the annexation of the Hawaiian Islands absolutely imperative.

CHAPTER III

THE CUBAN SITUATION

PRESIDENT CLEVELAND'S warning in his last annual message, in December 1896, that the time might come when the United States would be forced to take a hand if Spain did not soon come to some arrangement whereby the unhappy island of Cuba might be set on the road to peace and prosperity, the continuous newspaper activity which did not allow the American people to forget Cuba's ills, the ceaseless output of propaganda by the Cuban Junta in New York, the insistence with which the issue forced itself into Congress, all presaged a delicate situation for the McKinley Administration to handle. Nevertheless, at the moment when administrations changed, the atmosphere appeared to be clearing. Early in February 1897 Señor Dupuy de Lôme, the Spanish minister in Washington, had received from his Government a telegram outlining the reforms that it proposed to introduce in Cuba. A few days later he sent home word that Secretary Olney had told him the reforms were as extensive as could be asked and more than they expected. "This," he continued, "is also the opinion of most of the principal politicians who have not been openly unfriendly to us—including many of those who have great influence in the new Administration, and Mr. McKinley himself. . . . The Cuban question is to-day dead in Congress and before the public. . . . My opinion is that in measure, as the reforms become better known and understood,

their effect will be increasingly appreciated, thus settling the matter definitely and preventing any fear of interference on the part of the new Administration, at least for some time."¹⁰

That the new Administration had no desire to interfere was patent. Intervention in Cuba could not fail to produce a war with Spain, and war was the last thing President McKinley wanted; his whole program was a peace program, and proper handling of those pressing economic questions that had been debated in the campaign so earnestly and even acrimoniously stood a strong chance of being pushed aside if international issues produced a war. Furthermore, he could and did question whether the United States was prepared to embark on any war. Nothing at that moment could have been more grateful than the thought that at last Spain was actually taking steps to clean up its colonial system.

There were other encouraging signs. In the earlier stages of the Cuban insurrection there had been little effective interference with filibustering expeditions financed and sent out by the Cuban Junta.¹¹ After the decision of the Supreme Court in the *Horsa* case, and following President Cleveland's proclamation of July 1896, embodying this decision, greater risk was run in attempts to smuggle into Cuba men and munitions to fight the Spanish authorities, and, while filibustering did not stop entirely, the Spanish Government no longer could complain with such substantial basis as before that American laws applicable to the situation were not being enforced.¹² All filibustering did not stop, nor was there complete cessation of complaint about the Junta;

nevertheless, the situation was, on this score, less tense than it had been a few months before.

Another cause of friction was disappearing. Considerable numbers of citizens of the United States, mostly naturalized Cubans, had been apprehended for alleged complicity in the insurrection, but one after another was released, and usually expelled from the island, until, on December 4, 1897, Woodford could write from Madrid that the Spanish Minister of State informed him that "no citizen of the United States now remained imprisoned in the Island of Cuba."¹³ Another irritating factor was being removed. A decree issued by Captain-General Weyler in May 1896 had put an embargo on the exportation of tobacco from the island, and this had given rise to a number of complaints filed with the Department of State, the greater part of which dealt with alleged contracts made before the decree was promulgated. By the summer of 1897 these claims were well on their way toward settlement, most of the shipments having been released, although Woodford still had some trouble with them till toward the end of the year.

Definite and specific grievances arising out of the infringement of rights of American citizens were not the basic causes of the Cuban difficulty. Until Spain actually put into effect governmental and economic reforms that would satisfy the Cuban people; until the destruction of property incident to the insurrection, and the more significant destruction of life ceased; until such order was restored that Americans could no longer complain that their interests and well-being were jeopardized by the eternal ferment—until these things took place the "Cuban question" would be a cause of friction between

the United States and Spain. If, then, the Spanish reforms promised in February could be and would be carried into effect, and the devastating war, in which one side appeared to vie with the other in ruthlessness, should be brought to an end, then the Cuban Junta would be obliged to disband and newspaper agitation would cease from sheer malnutrition. Even though the situation looked more promising than a few months earlier, there was still that sense of irritation so long and so deeply felt by the American people—that dismaying truculence which had manifested itself in so many ways during the preceding years—to be reckoned with.

Under the circumstances it seemed to the President that if Spain would part with Cuba, the easiest solution of a perplexing problem might be found. Accordingly, when Whitelaw Reid was appointed special envoy to represent the United States on the occasion of Queen Victoria's Jubilee, he was instructed to find out whether the Spanish Government would consider a sale. Mr. Reid brought the matter up in an incidental way with members of the Spanish mission in London. But "Spain would never sell the brightest jewel in her crown—that was the substance of what the Spaniards had to say."¹⁴

The possibility of purchase, however, seems to have been entertained for some time. It seems not improbable that General Woodford, before he started for Madrid, talked over the subject with either the President or Day or with both, for in his personal correspondence with the former during the fall of 1897 and the winter of 1897-1898 there is frequent reference to the matter. Woodford not only apparently came to believe that the purchase of the island was the only solution, but had

begun to think that Spain would sell. For some reason a change took place in Washington on this point. Woodford received no answers to his requests for instructions about purchase, but, not informed of any change of policy, he continued to agitate the matter at Madrid. He wrote McKinley that he knew the Queen was advised to consent to a sale and also that he had direct word from her which led him to believe eventual purchase would be possible. Then at the critical moment came from Day an instruction stating that the United States did not want Cuba. The question at once arises: why and when was the notion of purchase abandoned, and who was responsible for the change—Day or McKinley? And what were the forces which brought about the change? The available evidence does not yield a satisfactory answer to either question.¹⁵

In Washington nothing of a formal nature was done until early summer, although there had been interviews between de Lôme and Day. On June 26, 1897 a note, signed with Sherman's name, was addressed to the Spanish minister on the subject of Cuba: it pointed out the apparent failure of General Weyler's measures to put an end to the insurrection and to bring peace to the island. The devastation, individual suffering from privation and disease attendant upon the *reconcentrado* system, injury to American trade, and loss to Americans who had capital invested in sugar plantations and other Cuban enterprises were all emphasized. The note went on to say:

“Against these phases of the conflict, against this deliberate infliction of suffering upon innocent

non-combatants, against such resort to instrumentalities condemned by the voice of humane civilization, against the cruel employment of fire and famine to accomplish by uncertain indirection what the military arm seems powerless to directly accomplish, the President is constrained to protest, in the name of the American people and in the name of common humanity. The inclusion of a thousand or more of our own citizens among the victims of this policy, the wanton destruction of the legitimate investments of Americans to the amount of millions of dollars, and the stoppage of avenues of normal trade — all these give the President the right of specific remonstrance; but in the just fulfilment of his duty he can not limit himself to these formal grounds of complaint. He is bound by the higher obligations of his representative office to protest against the uncivilized and inhumane conduct of the campaign in the island of Cuba. He conceives that he has a right to demand that a war, conducted almost within sight of our shores and grievously affecting American citizens and their interests throughout the length and breadth of the land, shall at least be conducted according to the military codes of civilization.”¹⁶

Four days later the Spanish minister replied in a long communication wherein he maintained that devastation and hardship in the island were grossly exaggerated in American newspapers, that the conduct of Union forces in the American Civil War was a precedent for the apparent ruthlessness with which the attempted suppression of the Cuban revolution was being carried on,

and that atrocities committed by the *insurrectos* were overlooked and that the Spanish Government was taking steps to alleviate suffering as much as possible.

“If the American people, to whose philanthropic sentiments reference is made in your excellency’s note of June 26, understood, from a dispassionate examination of this question, that the insurrection lives for evil only, and, instead of encouraging it by holding out the fallacious hope of assistance, which is the basis of all its trust, would counsel peace; if, instead of aiding and abetting the violations of law which are constantly committed by Cuban emigrants organized here for the purpose of making war upon a nation friendly to the United States, they would aid the Federal Government in its efforts to prevent the departure of filibustering expeditions, which render this long and desolating war possible, all the evils would very soon cease which are deplored by His Majesty’s Government and by all Spaniards, as well as by the President and people of the United States.”¹⁷

A little over a month later de Lôme received from the Duke of Tetuán, the Spanish Minister of State, a communication instructing him to present to the American Secretary of State the Spanish Government’s view of the situation, which was essentially that which de Lôme had already presented in his reply to Sherman. In spite of all, said the Duke, in the midst of the fratricidal struggle His Majesty’s Government had amended the legislation relating to the island “in the most decentralizing and expansive sense to the end that it may

enjoy such an organization as will enable it to govern itself in the administrative department, subject to the immutable sovereignty of Spain."

One Spanish grievance, not touched upon directly in these communications, should not be overlooked. From time to time hints were dropped that one irritating factor was the presence of General Fitzhugh Lee as consul-general at Havana. While Lee evidently tried to be impartial, it was impossible for him to keep out of his reports his horror of the Cuban situation and his belief that Spain alone never would be able to extricate itself from this. The Spanish officials complained that while he painted the actions of the Government in the darkest colours, he was apparently oblivious to any misconduct of the insurgents; in short, they believed him unfair and prejudiced. The possibility of having him replaced by another was discussed, and in February 1898, at the time of the tense situation over the de Lôme letter and the destruction of the *Maine*, Gullón seriously considered asking that he be recalled. No formal request was made, however, for Woodford, to whom an intimation of the Spanish wishes was conveyed, was decisively informed from Washington that the President had no intention of removing or replacing Lee.

CHAPTER IV

WOODFORD IN SPAIN

WHILE the more or less formal interchanges were taking place in Washington, real hope of securing adequate Spanish action was pinned on the efforts of the American minister at Madrid. General Stewart L. Woodford, chosen to replace Hannis Taylor, received on July 16, 1897 his written instructions, formally signed by Sherman. These briefly reviewed the course of events in and with respect to Cuba during the previous years and went on to state: "In the judgment of the President the time has come for this Government to soberly consider and clearly decide the nature and methods of its duty both to its neighbors and itself." The Government was faced with difficulties in trying to administer its neutrality laws, questions were constantly arising affecting treaty rights of American citizens, the island was suffering from an almost complete paralysis of its economic life, and, finally, the United States Government was "rightfully and naturally apprehensive lest some untoward incident may abruptly supervene to inflame mutual passions and thus raise issues which, however deplorable, can not be avoided." (One might almost say that Day had a vision of the *Maine* disaster.) It could not "be reasonably asked or expected that a policy of mere inaction [could] can be safely prolonged." Attention was called to the resolution of the Senate recommending recognition of belligerency then under consideration in

the House of Representatives. In face of all these circumstances the Government of the United States must seriously inquire "whether the time has not arrived when Spain, of her own volition . . . will put a stop to this destructive war and make proposals of settlement honorable to herself and just to her Cuban colony and to mankind." The United States ever stood ready to tender its good offices to this end. The instruction closed with an intimation that beyond recognition of belligerency was "the larger ulterior problem of intervention," which the President would not at the moment discuss.

All these considerations General Woodford was to bring to the attention of the Government of Her Majesty the Queen Regent at the proper time "with all the impressiveness which their importance" demanded. He was to emphasize the disinterestedness of his Government and place "especial stress upon the unselfish friendliness" of its desires, but in so doing he was not to disguise the gravity of the situation, "nor conceal the President's conviction that, should his present efforts be fruitless, his duty to his countrymen will necessitate an early decision as to the course of action which the time and the transcendant emergency may demand."¹⁸

Woodford presented his credentials to the Queen Regent at the summer palace of Miramar, on September 13, 1898, just after his predecessor, Taylor, had taken his formal leave. The next day he telegraphed to Washington that the Spanish Minister of State had himself suggested a conference for the following Saturday, the eighteenth. Before his official reception Woodford had a long conversation with Sir Henry Drummond Wolff, the British ambassador, and explained in

detail to him what the Cuban situation meant to the United States. In reply to a question from the Englishman as to what his Government proposed to do, Woodford said that, while he was not then prepared to suggest a definite remedy, some means to end the struggle must be found before Congress assembled in December. He closed the conversation by saying that if "Cuba could at once and without any evasion or reservation have such autonomy under Spanish titular authority as Canada now enjoys under British rule," he believed that the American Government and people would be content. In the course of the next month he had similar conversations with the representatives of all the major European powers.¹⁹

On the appointed Saturday Woodford, having received from the Department of State a telegram instructing him to act at discretion in the interview, had his first official meeting with the Duke of Tetuán, who, two days before, had received from de Lôme a telegram which probably made him feel that the need for immediate and decisive action was not quite so great as the American minister said. De Lôme had cabled that there existed a period of great calm:

"Neither the arrival of Lee in the United States, nor the arrival of the new minister from the States there [in Spain], nor the return of the President of the Republic to Washington for some days has agitated public opinion, notwithstanding the efforts of the "Herald" and other newspapers, on account of the silence of the prudent and influential. The recommencement of negotiations is a sure warrant that all

kinds of questions will be avoided, great pressure being brought upon McKinley in order that he may not permit the agitation."

De Lôme also quoted Day's statement to the press: "There is no occasion for any sensational reports regarding the new representative from the United States to Spain. His mission is highly pacific."²⁰

At the interview with the Duke, Woodford read parts of his instructions and agreed to furnish a written statement of the substance of them. Tetuán was not expansive, although he insisted "courteously but very firmly" that there were expectations of success in putting down the insurrection, and "intimated, although in very guarded terms," that he feared that the American Government was not doing all that it could to prevent assistance being given to the rebellion from the United States. Woodford told him at the end of the conversation, as he had at its outset, that peace in Cuba was an absolute necessity for his country and suggested that the Spanish Government should give the United States before the first of November "such assurance as would satisfy the United States that early and certain peace [could] can be promptly secured, and that otherwise the United States must consider itself free to take such steps as its Government should deem necessary to produce this result, with due regard to our own interests and the general tranquility."

Before the Duke made answer to this formal presentation, his Government resigned, on the evening of September 29, partly in consequence of the assassination of Cánovas, the Premier. A liberal Ministry, headed

by Práxedes M. Sagasta, took office, and on October 5 Woodford had a short interview with him; nothing definite was mentioned about the Cuban situation, although on both sides there were expressions of a desire for continued and increased friendliness between the United States and Spain. More than two weeks passed, and the Department of State then made inquiry as to when a reply to its representations and to its tender of good offices would be made. Woodford answered that he believed an answer would be made before the appointed day—that is, November 1, 1897. On October 26 he was able to send to Washington a reply framed by Señor Pío Gullón, the Minister of State, and dated October 23.

Gullón, after acknowledging the expressions of good will contained in Woodford's communication, said that they removed from the words in which the laudable wish for a termination of the Cuban war was couched "whatever minatory character might be attached to them upon the first impression of anyone who did not dwell upon and attach due weight to those words, in view of the cordial and eloquent declaration with which the note begins and ends." Consequently the Spanish Government saw no obstacle in the way of examining the measures most conducive to bringing about the termination of the struggle. While Spain intended to pursue its military program, which, Gullón stated, was bringing a considerable portion of the island back under its authority, and which had deprived the insurgents of most of their prominent leaders, the new Government's plan included the leaving to Cuba control of its internal affairs. Foreign affairs, defence, and the administration

of justice were to remain with the home country. At the same time it was suggested that, as the President of the United States felt "it his duty to make the strongest possible effort to contribute effectively toward peace," this could be done best by a stricter enforcement of American neutrality laws, for, "despite the express provisions of those laws and doctrines maintained by the American Government in the famous Alabama arbitration . . . it is certain that filibustering expeditions have set forth and unfortunately continue to set forth from the United States." It was this moral and material support, asserted the Minister, that kept the rebellion alive. Her Majesty's Government, therefore, suggested that either by a stronger proclamation than Mr. Cleveland's, or by a more energetic application of the laws in existence, the American Government should "completely cut off the support which the Cuban insurrection is receiving from the United States." As to Congress's discussion of recognition of belligerency, Gullón not only said that the insurrection was far less likely to succeed than it promised in 1896, when Cleveland refused such recognition, but he trusted that the executive would not fail to "act as a secure safeguard" against "whatever passions may . . . blind the judgment of a deliberative chamber in countries like the United States, where right and justice always triumph." While appreciating the tender of good offices, Gullón said that his Government did not feel that they were needed at the time.²¹

This formal response to Woodford's representations was about what he had expected. A week before, he had written to Washington:

“ . . . I do not expect that Spain will accept our tender of good offices. My best judgment is that the note when received, will prove to be a general offer of a somewhat indefinite autonomy, with a general expression of hope on the part of Spain that the rebellion in Cuba will be practically ended at an early date. I do not think any date will be fixed. I doubt whether the Spanish official mind comprehends real autonomy as Englishmen and Americans would understand autonomy. I doubt whether Spain would give in theory or enforce in fact such autonomy as Canada has.”²²

One indication of the change of policy which Gullón's note mentioned had already taken place. Weyler was replaced by General Ramón Blanco. This move had been forced by Woodford's earnestness; if not a distinct breaking of an understanding with Weyler, it must have been galling to Spanish pride. But the Liberal party—Sagasta's party—had been committed to such a step as well as to Cuban autonomy and social and economic reforms, in a manifesto of June 24, and Woodford was skilful enough to secure what amounted to an agreement that the manifesto bound the party when in power as much as when it was in opposition.

Meantime de Lôme was keeping the new Spanish Ministry in touch with the trend of opinion, official and popular, in the United States. On October 19 and 20 he telegraphed that no positive step would be taken until after the November elections, for the President, he said, would do nothing to injure his party before the masses. “It is indubitable that to-day he is trying to have the solution of the Cuban question effected in

a way that will result in a triumph for his personal politics. I spoke at length with Assistant Secretary of State Day, and although he bears himself in absolute reserve, for fear of being compromised, he told me enough for me to understand that the attitude of the Department has changed from aggression to expectancy."

However much the pending elections had to do with the matter, the fact remains that the Administration made no positive move before they took place. When a telegraphic summary of the Gullón note was received, Woodford was informed that his Government discerned in it "a hopeful indication of change in the policy of Spain, although it would seem that the reforms to be decreed are to be supplemented, in all the most important particulars, by an enactment of the Cortes." Woodford was directed to suggest that "an immediate change in the treatment of the non-combatant Cubans would be an effective guarantee" of such a policy, and to emphasize this suggestion he was to lay before Señor Gullón information, recently received by the Department, showing the distressing conditions in *reconcentrado* camps, as well as the sufferings of the poorer classes of Cubans generally. When, on November 12, de Lôme called upon President McKinley, he found him in an affable mood. McKinley told him that he was confident that "as the measures continue to produce results, all motive for rancor will disappear." He also said that he was opposed to filibustering and that if he "had proof of any faults committed by federal employees they would be chastised immediately."

Down to this point, the time between the November elections and the meeting of Congress, the correspond-

ence shows that the Administration was desirous of peace and hopeful that it would be maintained. Perhaps sharing Woodford's scepticism about the Spanish brand of autonomy, it was content to wait a little and see if anything constructive was likely to be accomplished.

Whether the proposed autonomy as a basis of adjustment would satisfy the Cuban *insurrectos* and their American sympathizers was another question. Estrada Palma, one of the most influential Cuban leaders and long active in the New York Junta, came out with a statement that the promised autonomy was not real self-government at all and would not satisfy the Cubans. The truth is that by this time the revolutionary leaders were no longer striving for autonomy, but for independence, and a successful scheme of self-government would cut the ground from under their feet. Just how far this growing desire for separation from Spain was instigated and fomented by Americans with interests in the island was at the time, and still remains, in doubt. It seems to be true, however, that as soon as Spain appeared really to be trying to accomplish something which appeared to meet the demands of the revolutionists, such as had been stated at the beginning of the uprising, there came renewed efforts on the part of certain newspapers and individuals casting doubt on Spain's good faith and condemning her plan before it could be tried, and even before it had been put forward in detail.

After the full text of Gullón's note had been received and studied in Washington, an answer, dated November 20, reiterated the sentiments expressed in the telegram which acknowledged receipt of the cabled summary; namely, that it appeared to indicate a change

of policy.²³ "At the same time the most encouraging signs come to me, alike from the Peninsula, from Cuba, and from the honored representative of Spain at this capital, of the singleness and earnestness of purpose wherewith the home Government and its responsible agents in Cuba are laboring to bring about an instant change in the order of things in that island which has so long distressed this Government and the generous and sympathetic people of the United States." The President, recognizing that everything could not be done at once, was satisfied that the spirit manifested in Gullón's note as well as in the Liberal Manifesto, which the party now adopted as a statement of policy, was animating the conduct of Cuban affairs. As to the imputation that the Government of the United States was negligent in enforcing its own neutrality laws, the note instructed Woodford to explain to what lengths and what costs the United States had gone in patrolling the coasts of Florida, Georgia, and sometimes of states even farther north. The activity of the navy, of the Treasury Department, and of the officers of justice would convince any candid observer that the Government of the United States was sparing no pains to prevent the setting out from American ports of any expeditions calculated to aid Cuban insurgents. It was to be noted, however, that, since Spain would not concede that a state of war existed in Cuba, the duties and obligations of the United States were not the same as though that had been the case.

CHAPTER V

ATTEMPTED AUTONOMY

THE royal decrees embodying the reforms that the Spanish Government had resolved to try in Cuba were promulgated November 25, 1897. Two of them conferred upon Cubans and Porto Ricans all rights enjoyed by Peninsular Spaniards, including the same franchise privileges. The third decree, which had to be ratified by the Cortes, outlined a frame of autonomous government by which all powers, except as to foreign relations, war, and marine, were to be vested in a Cuban parliament and a governor appointed by the crown.²⁴

Woodford's cabled summary of these decrees was received in Washington in time to be in the President's hands before he completed his annual message—a message awaited eagerly both in the United States and in Spain. The part relating to Cuba bears the marks of Judge Day's collaboration and may be taken as an expression of both his views and those of the President. After a historical sketch of the Cuban situation, as it affected the United States, McKinley enumerated possible courses open to the executive: recognition of the insurgents as belligerents, which he considered at the time "unwise and therefore inadmissible"; recognition of the insurgent Government, which was impracticable on grounds similar to those taken by President Grant in his message of December 7, 1875; and intervention.

As to the last alternative the President said: "Should such a step be now taken when it is apparent that a hopeful change has supervened in the policy of Spain toward Cuba? A new government has taken office in the mother country," a government pledged in advance to a course different from that pursued by its predecessor; and already, with a new Captain-General, the situation was looking more promising. No American citizens were reported as being under arrest, and all the specific complaints of infringement upon the rights of American citizens were on the road to settlement if not already adjusted. Under the circumstances, said the President, "I shall not impugn its [the Spanish Government's] sincerity, nor should impatience be suffered to embarrass it in the task it has undertaken."

It is probable that the references to Cuba in the message were more pleasing to Spanish ears than to the majority of Americans, for those papers and persons who had been calling for intervention redoubled their efforts and did not fail to criticize McKinley's sentiments. Hannis Taylor characterized them as "egotistical and heartless, cold and cynical." On the other hand, those who were not anxious to rush into a war with Spain praised it as a sane, temperate, and well-reasoned statement. De Lôme in Washington and Gullón in Madrid both expressed their gratification at the tone of the message, although the former, in a dispatch to his own Government, opined that much which was annoying in the references to Spain and Cuba was put in to meet the sentiment of Congress—a mild version of what he said in the Canalejas letter which stirred up so much trouble two months later.²⁵ Gullón personally

stated to Woodford his gratification at the tone of the message.

For a month the situation remained without material change. On December 20 Woodford formally presented his Government's answer to the Spanish note of November 23, having delayed in doing so both on account of a request from the Spanish Minister of State and the Minister of Colonies, Señor Moret, and, as he telegraphed the Department, in order "to study the effect of the President's message and Weyler's arrival and conduct at Madrid." Both the President and Day were out of Washington from December 6 to 16, and on December 18 Congress adjourned for the holidays. De Lôme reported everything quiet at the capital and was able to reassure his Government regarding a reported concentration of American naval forces in West Indian waters.

Both the Spanish and the American Governments were aware that if increased friction was to be avoided, the Spanish program in Cuba must proceed steadily, with no untoward events, for it was clear to all that any slip, any disturbing occurrence, would revive an insistent demand for intervention. The concentration orders of Weyler had been modified by General Blanco, but, with so large a portion of the island uncultivated and so many people necessarily dependent on charity for a considerable time, there was bound to be much suffering. Day was receiving from American consuls in Cuba almost daily reports, and all showed that with the best of intentions, even with co-operation on the part of all factions, progress would be slow and that meantime thousands would suffer and many would die from privation and disease.²⁶

Politically the island contained three distinct groups. One of these, probably numerically as large as either of the others, but less well organized, was composed of conservative elements inclined to believe that the autonomy scheme would work; a second, largely Peninsular Spanish, was against the plans of Sagasta's Government and the conciliatory measures of General Blanco; a third was the insurgent group now insistent on an independent Cuba. The last knew that if autonomy was put into effect and worked, independence was doomed, at least for a time. It was a difficult task that the Spanish Government had to perform, and there were many, including some of the American consular representatives, who doubted the ability or questioned the faith of Spain.

Fitzhugh Lee, the consul-general at Havana, wrote confidentially to Day: "The intelligent Spaniards . . . see no prosperity in the future, but rather other wars and more confusion in the same old attempts to make the waters of commerce flow in unnatural channels. The lower Spanish classes have nothing in mind when autonomy is mentioned except Cuban local rule; hence their opposition."²⁷ Lee thought Blanco was an "excellent man, but in an unfortunate position." Consul A. C. Brice reported from Matanzas that "Spaniards as well as Cubans, are not in sympathy with proposed autonomy and reforms." Pulaski F. Hyatt, consul at Santiago de Cuba, had been informing the Department for months that the Spanish residents in his part of the island were "very outspoken in favor of closing the war and annexation to the United States." Walter B. Barker, from Sagua la Grande, wrote on January 15: "In

this consular district a reign of terror and anarchy prevail which the authorities, be they so disposed, are utterly powerless to control or in any measure subdue." Meantime the Cuban Junta in New York was utilizing every possible incident to convince the American people, Congress, and the President that autonomy would never do, that independence was the only cure for Cuba's ills.

Under the circumstances, President McKinley was beginning to lose the hopefulness expressed in his annual message, and Judge Day seems to have despaired, even before the President did, of a successful outcome of Spain's efforts. Nevertheless, they continued in a disposition to play a waiting game unless their hand should be forced.

CHAPTER VI

THE APPROACHING CRISIS WITH SPAIN

AFTER Congress reassembled in early January 1898, all remained quiet until the middle of the month, and then there came that series of episodes, each one of which under normal circumstances would have produced no impossible international situation. As things were, however, every untoward event was capitalized and the American people were ever more deeply convinced that intervention was the only remedy.

On January 13 there came from Lee a telegram announcing that demonstrations accompanied by attacks on three newspaper offices had occurred in Havana.

“Uncertainty exists whether Blanco can control the situation. If demonstrated he can not maintain order, preserve life, and keep the peace, or if Americans and their interests are in danger, ships must be sent, and to that end should be prepared to move promptly.”

Another telegram a little later showed that the riot had not been extensive; it had been staged mostly by Spanish officers who were opposed to Blanco and his first steps in introducing autonomy. Nevertheless, de Lôme and the Spanish Cabinet were much concerned over the affair. The former telegraphed on January 16: “The news from Habana is not improved; if it continues

it will cause the situation here to change. The sensational press is just as it was at the worst period, and the Government and Cabinet, although they have said nothing to me, seem to have lost all faith in Spain's success, and, to some extent to have lost tranquility." He proceeded to report, "for what it was worth," information he had received from the Washington correspondent of the New York *Herald*:

"He told me that in view of recent events the President has stated that, according to information he has received, autonomy in Cuba has come to nothing; that grave disorders are feared in Habana and throughout the island; and that, if the disorders are repeated, he had determined to land troops from the war vessels to protect the consulate. He asked me what would be done if that occurred. I told him it would mean fighting; that Spain would never submit to what was done in Korea and Crête. This may be taken as one of many such conversations and inquiries, to which I have thus replied."²⁸

There is little doubt that what the *Herald* man told de Lôme about the President's shaken confidence in the success of autonomy had a basis of truth. One must believe that the constant dinning in his ears that it was a failure was having some influence.

The Havana excitement, however, calmed in a few days, and de Lôme was instructed to see Day and explain to him that this had been but a flash in the pan and that autonomy was actually gaining ground. De Lôme's telegraphed reply so succinctly states the situation as he saw it that it deserves to be quoted at length:

“ . . . If the acute period is past, resulting from the events in Habana, the effects are felt yet, as is shown by the debate yesterday in the House. The impulse given to jingoism must be mitigated. The American Government cannot and will not now make any statement, because it feels itself powerless to do so since a part of the Congressional majority watches in hope that something will be done in favor of the insurgents; in order to restrain it, such action has been taken as that of the maneuvers of the fleet of the United States, which produces a bad effect over there, but which here produces a result favorable to us. I have not thought it well either to-day or yesterday to speak with Day, in order to avoid a false rumor producing any effect in view of the excited state of public opinion. But I have spoken with Senator Hawley, the leader of the moderation side of the Senate, who tells me that he continues to feel confidence in his colleagues and the President. The worst result of the events in Cuba is that, as I have learned privately, it appears that General Lee has . . . reported to the Government that autonomy has failed, the riots at Habana giving a show of truth to that opinion.”²⁹

The next day de Lôme was more cheerful and reported that the crisis in Congress had passed. The “verbosity and extreme views” in the speech of Congressman Hitt had won over a “compact majority,” although it caused a painful impression in Spain. At an interview with Day he “presented the question to him in all its crudity” and told Day that if the Ameri-

can Government acted as Spain had a right to expect, the Cuban situation would be settled; if, however, the Administration allowed itself to "be swayed by superficial public opinion" and continued to believe what "interested agents" said, it was impossible to "forecast the consequences." De Lôme had to admit to his Government that there could be no longer any doubt that the President was much impressed with Lee's statements regarding the failure of autonomy. But four days later he could report that after another interview with Day he could state definitely that the President had not "departed in any way from the attitude set forth in the message." After this conversation Day had a conference with McKinley and, a few hours later, another with the Spanish minister, to whom he stated that, as a result of the previous conversation and of reports from Woodford about commercial negotiations, the President was so convinced that the situation was satisfactory that he was about to order the *Maine* to proceed to Havana as a mark of friendship. General Lee, Day said, had not asked for a vessel to protect Americans at the time of the riot, though if he had, one would have been sent. One might wish another "de Lôme letter" to learn whether the Spanish minister considered this a disingenuous explanation.

The Spanish Government was not entirely satisfied with the stand of the Government of the United States, which did not apparently heed de Lôme's request that the outcome of autonomy be awaited, and did not proclaim its "unalterable determination to continue in the path of peace, scorning or overcoming every agitation to the contrary which" might be set in motion.

Nevertheless it formally accepted the proposal for a visit of the *Maine* as an indication of friendly feeling. The courtesy would be reciprocated by arranging for war-vessels of Spain to touch at American ports while passing to and from Cuba.

By the end of January, de Lôme thought that affairs had "entered upon a normal situation." On the occasion of the annual diplomatic dinner the President showed marked attention to the Spanish minister and said to him: "I see that we have only good news; I am well satisfied with what has occurred in the House, and with the discipline of the Republicans. You, who comprehend this, will understand how strong our position is and how much it has changed and bettered in the past year; you have no occasion to be other than satisfied and confident." Did McKinley waver between hope and despondency over the Cuban situation, or did he encourage de Lôme in this way while really harbouring quite a different view?

The fates were against the President's desires—or were they expectations?—for continued peace. They were also against the Spanish efforts, such as they were, to remove the causes of friction between the two Governments. On February 9 came the next of those incidents that made intervention and consequent war practically inevitable. On the eighth de Lôme telegraphed Gullón that he had learned that the next day there would be published in the New York *Journal* what purported to be a letter written by him to Señor José Canalejas in Havana. He said that while he could not recall what the letter contained, he realized that it might make his position in Washington untenable and

therefore placed his resignation in the hands of his Government. The *Journal* came out on the ninth with a Spanish facsimile and a somewhat garbled translation of the letter. Written about the middle of December 1897, it was a personal communication in which the Spanish minister commented on the general situation and on the annual message.³⁰ These were the offending passages:

“The message has been a disillusionment to the insurgents, who expected something different, and has paralyzed the action of Congress, but I consider it bad; besides the ingrained and inevitable bluntness with which is repeated all that the press and public opinion in Spain has said about Weyler, it shows once more what McKinley is, weak and a popularity hunter, besides being a would-be politician who tries to keep a door open behind him while remaining on good terms with the jingoes of his party. . . .

“It would be very advantageous to take up, even if only for effect, the question of commercial relations, and to have a man of some prominence sent hither in order that I may use him to carry on propaganda among the senators and others in opposition to the junta and try to win over the refugees.”

Soon after the New York papers reached Washington, Judge Day was given the original of the letter; it was compared with specimens of de Lôme's handwriting and then brought to that gentleman's attention. De Lôme admitted at once that he had written the letter and said that, recognizing “the impossibility of his continuing

to hold official relations with this Government after the unfortunate disclosures," he had asked to be relieved of his mission. Day immediately telegraphed Woodford to inform the Spanish Government that the "publication in question had ended the Spanish minister's usefulness, and that the President expected his immediate recall."

Woodford received the dispatch on the morning of February 10, but was unable to see Gullón until the afternoon—the Cabinet was closeted all the morning trying to work out a solution of the situation. After the interview Woodford telegraphed that the Spanish Government "sincerely regretted the indiscretion" of their minister. A formal expression of regret and disavowal, however, did not come until, four days later, Woodford prodded Gullón with a note in which the objectionable passages were quoted and which ended with these words: "I beg to point out to your excellency the insulting character of the first passage and the insincerity which underlies the suggestions of the second."

The next day, February 15, Señor Gullón stated in writing what he said he had supposed the American minister had understood from their conversation; namely, that the Spanish Government lamented the incident and, in accepting the resignation, "disauthorized" de Lôme's words. As to the second paragraph, "The Government . . . is profoundly surprised that a private letter, dated, as it appears, on a day relatively distant, and the opinions of which can not properly be formed now, subsequent to recent agreements, can be invoked now merely on account of the significance of the signature as a germ of suspicion and doubts as opposed to

the unanswerable testimony of simultaneous and subsequent facts." His Government, Gullón maintained, was committed to "the new colonial regimen and the projected treaty of commerce," and had given ample proof of its good faith. On February 18 Day telegraphed Woodford that the incident was "satisfactorily closed" and Señor Gullón was to be thanked for his frank statement. In the same telegram Woodford was told to assure the Spanish Government that Don Luis Polo de Bernabé, chosen to succeed de Lôme at Washington, would, from his antecedents and the "recollection of his previous service as secretary here," have a cordial personal welcome.

The incident of the de Lôme letter was closed—officially. But one's imagination does not need to be preternaturally keen to realize how the letter, blazoned in staring head-lines across the front of a great metropolitan daily and copied from one end of the country to the other, raised still more insistently the demand for the Administration to "do something!" Then came the destruction of the *Maine*.

CHAPTER VII

THE MAINE

THE episode of the *Maine* takes the story back to January 12, when rioting broke out in Havana, and the following day, when Lee telegraphed that war-ships might be required to protect American interests. The situation, however, quieted, and no request for a war-vessel went to Washington.³¹ A week later Lee received from Day a telegram: "Wire number and character naval vessels other countries now in port of Havana." The reply was that there was none, although two German ships were expected before the end of the month. Two days later Lee was told, as de Lôme was in Washington, that it was the purpose of the Government to "resume friendly naval visits at Cuban ports," and that the *Maine* would call at Havana in a day or two. Lee immediately advised that the visit be postponed six or seven days "to give last excitement more time to disappear." He added that he would consult the authorities, although the Governor-General was away for two weeks. From Washington came Day's answer:

"*Maine* has been ordered. Will probably arrive at Havana some time tomorrow. Can not tell hour; possibly early. Cooperate with authorities for her friendly visit. Keep us advised by frequent telegrams."

Early the next morning Lee apparently made one more effort to delay the *Maine's* coming when he telegraphed:

“At an interview authorities profess to think United States has ulterior purpose in sending ship. Say it will obstruct autonomy, produce excitement, and most probably a demonstration. Ask that it is not done until they can get instructions from Madrid, and say that if for friendly motives, as claimed, delay unimportant.”

A few hours later he reported the *Maine's* arrival.

The action of the Administration in hurrying a battleship to Havana is hard to reconcile with its previous course. The vessel was rushed off before Lee could find out the attitude of the local authorities and before they could hear from Madrid. Day's explanation to de Lôme was that Woodford's reports concerning commercial negotiations and the results of the conferences in Washington were so satisfactory that the President had “determined to send the *Maine* as a mark of friendship, and the Secretary of the Navy would so state to the press.” The President believed, added Day, that it had been a mistake not to have a vessel visit Cuba during the previous three years, since “now what is a fresh proof of international courtesy is looked upon as a hostile act.”³²

Whatever the Spanish Government may have felt about the proposal, outwardly the explanation was taken at its face value, although the *Maine* was actually in Havana harbour before de Lôme could inform Day that Gullón had telegraphed his approval of “these demonstrations of cordiality and courtesy to the full extent of their value.” Certainly there had been no new untoward development in Cuba, and such a “mark of

friendship" at such a moment was bound to be misinterpreted both in Spain and in the United States.

After the *Maine's* arrival everything was peaceful. Her officers were received by the proper Spanish authorities with the usual courtesies. Ten days later—ten days marked by nothing out of the ordinary—Day telegraphed to ask Lee whether, for sanitary reasons, it was, as the Secretary of the Navy feared, imprudent to hold the vessel there longer. Lee answered the same day that there was not the slightest "sanitary danger to officers or crew until April or even May," and advised against withdrawal then, "or conditions would be worse than if no vessel had ever been sent." If other riots occurred, Lee thought they would be directed against the Governor-General and autonomy and might include anti-American demonstrations as well: "First class battleship should replace present one if relieved, as object lesson and to counteract Spanish opinion of our Navy, and should have torpedo boat with it to preserve communication with Admiral."

Then, out of a clear sky, came Lee's shocking telegram dated 12.30 p.m., February 16, 1898:

"*Maine* blown up and destroyed tonight at 9.40 p.m. Explosion occurred well forward under quarters of crew; consequence many were lost. It is believed all officers saved but Jenkins and Merritt not yet accounted for. Cause of explosion yet to be investigated. Captain-General and Spanish army and navy officers have rendered every assistance. Sigsbee and most of his officers on Ward steamer *City of Washington*. Others on Spanish man-of-war and in city. Am with

Sigsbee now, who has telegraphed Navy Department."

There was never any official charge by the American Government that the Spanish Government was in any way implicated in the affair, if indeed the explosion was caused by a mine or a torpedo.³³ But to the popular mind the destruction of the *Maine* was just another proof of Spanish duplicity and treachery. The tide of public excitement rose higher. Congress reflected the frenzy.

CHAPTER VIII

DRIFTING INTO WAR

BOTH Governments hoped to maintain peace. War would be disastrous to Spain, as every thinking Spaniard knew. Nevertheless, if Spain tried to solve the problem by selling Cuba or by yielding too easily to American demands, the country, it would appear, might be in the throes of a revolution overnight. While in a material way war would mean far less to the United States, those in positions of executive responsibility believed that its political implications were alarming; on the other hand, if McKinley opposed public opinion too long, he could well fear that he would lose the confidence of his countrymen. Something of the dilemma is suggested in a personal and confidential letter that Day wrote Woodford on March 3.³⁴ After commenting on the de Lôme letter and expressing his satisfaction that the incident had terminated, he went on to say:

“. . . Everybody I see seems well pleased with it [the termination of the de Lôme episode], and no one wished trouble about a matter of this kind. If a rupture between the countries must come, it should not be upon any such personal and comparatively unimportant matter. We sent you day before yesterday full instructions covering the Cuban situation, as you will see it is bad enough.

“The de Lôme incident, the destruction of the *Maine*, have added much to the popular feeling upon

this subject, although the better sentiment seems to be to await the report of the facts, and to follow the action of the President after the naval board has made its report. Whatever the report may be, it by no means relieves the situation of its difficulties. The policy of starvation, the failure of Spain to take effective measures to suppress the insurrection, the loss of our commerce, the great expense of patrolling our coast—these things, intensified by the insulting and insincere character of the De Lôme letter, all combine to create a condition that is very grave, and which will require the highest wisdom and greatest prudence on both sides to avoid a crisis. . . .”

General Woodford knew that the situation was grave, and he could see something of the other side of the question as he reported in a note of March 17:³⁵

“ . . . With the exception of Minister Moret and those whom his splendid courage and personal magnetism inspire and control, I do not think that any thoughtful man in Madrid now believes that autonomy, and what is euphemistically called ‘influencing rebel chiefs,’ and military operations combined can practically suppress the rebellion *before the rainy season begins*.

“Señor Sagasta, an experienced statesman, a loyal Spaniard, and a faithful friend of the Queen . . . waits hoping against hope. I think he would do anything for peace that Spain would approve and accept. Señor Gullón evidently doubts whether peace can be maintained with the United States. . . . I think that

the Queen is disappointed and anxious. Well she may be, for she has struggled with admirable courage and wonderful faith for her son and her dynasty.”

Woodford’s own solution was American occupation of Cuba:

“I am thus, reluctantly, slowly, but entirely a convert to the American ownership and occupation of the island. If we recognize independence, we may turn the island over to part of its inhabitants against the judgment of many of its most educated and wealthy residents. If we advise the insurgents to accept autonomy we may do injustice to men who have fought hard and well for liberty, and they may not get justice from the insular government should it once obtain control of the island. . . . If we have war we must finally occupy and ultimately own the island.”

These views Woodford put before Señor Moret, the Minister of Colonies, and such other influential Spaniards as he had opportunity. Even Moret apparently saw the inevitability of the loss of Cuba, and Woodford was encouraged to ask, in this communication wherein he related what took place during an unofficial conversation, for a definite statement of what the Administration’s terms of settlement were. The reply coming from Day was this:³⁶

“. . . Confidential report shows naval board will make unanimous report that *Maine* was blown up by submarine mine. This report must go to Congress soon. Feeling in the United States very acute. People

have borne themselves with great forbearance and self-restraint last month. President has no doubt Congress will act wisely and immediate crisis may be avoided, particularly if there be certainty of prompt restoration of peace in Cuba.

“*Maine* loss may be peacefully settled if full reparation is promptly made, such as most civilized nations would offer. But there remain general conditions in Cuba which can no longer be endured, and which will demand action on our part, unless Spain restores honorable peace which will stop starvation of people and give them opportunity to take care of themselves, and restore commerce now wholly lost. April 15 is none too early date for accomplishment of the purposes. Relations will be much influenced by attitude of Spanish Government in *Maine* matter, but general conditions must not be lost sight of.”

Certainly here was no very specific instruction, and, furthermore, Woodford's hints and suggestions about the purchase of Cuba were completely ignored. Such as it was, however, Woodford imparted its contents to Moret on the morning of Tuesday, March 22, and arranged to present them officially the next day to Gullón. In telegraphing to the President what he had done, he added: “Should I be asked to suggest what would be acceptable to you, please instruct me by telegraph as to my answer.” All the reply he got was this telegram from Day: “The President approves your statement to the minister for the colonies, as given in your No. 49. He will await your telegram after your interview with the minister for foreign affairs.” It is evident from this

not only that any idea of purchasing Cuba had been dismissed, but that the burden was to be placed on Spain of finding a solution satisfactory to the United States. When, on Wednesday morning, the interview with Gullón took place, and the latter asked for a delay in presenting the whole matter to the United States Congress until the beginning of the rainy season, Woodford told him "kindly but firmly" that he did not believe such a delay would be possible.

The next afternoon, March 24, 1898, Moret called on Woodford and unofficially proposed that his Government suggest the question of an early peace to the Cuban Congress which was to meet May 4. In answer to a question about military operations he replied that an "immediate armistice or truce . . . be enforced by the Spanish Government upon its army provided the United States can secure the acceptance and enforcement of like immediate truce by the insurgents." In answer to Woodford's further inquiry as to what would happen if a permanent peace had not been arranged before the end of the next rainy season, about the middle of September, Moret replied that he would advise his minister that both the Governments should compel both parties to accept such settlement as would be satisfactory to the United States and Spain, the terms to be arranged before September 15. The following afternoon, however, the official statement from Gullón was, as Woodford put it, so vague as to involve uncertainty.³⁷

In part the difficulty of securing a categorical statement from Spain was due to a hope that the European powers would exert some pressure upon Washington in

such a manner and with such a result that Spain would not appear to be yielding to pressure. The day before Gullón gave Woodford the reply that the latter found so unsatisfactory, the Spanish representatives abroad were informed of the substance of what Gullón would tell the American minister: "I shall reply to-morrow that the most elemental justice demands, regarding the *Maine*, a cognizance of the report of the Spanish commission; its comparison with the American to be done, of course, in a tranquil atmosphere, and outside of Congress; and in the event of irreconcilable disagreement, submission to a decision of other dispassionate judges. Touching the agreement to assure an immediate and satisfactory peace for the Cubans, the Spanish Government deems it indispensable to know at least the sentiments and wishes of the insular congress of Cuba, which will convene on the early date of May 4."³⁸

On March 25 the diplomatic representatives of Spain were requested to inform the several Governments to which they were accredited of what had taken place and to ask their "friendly offices in order that the President of the United States may retain under Federal control all questions affecting the relations or differences with Spain in order to bring them to an honorable conclusion." This hope of foreign mediation, which had been entertained for some time by the Spanish Government, was without doubt one of the reasons that explain the temporizing and delay which, in turn, so exasperated McKinley and Day and confirmed them in a belief that it would be impossible to obtain a workable solution of the Cuban issue so long as there was any way of squirming out. That something must be done and

done quickly was now the feeling of the President and his advisers. A telegram from Day, dated March 26, not only summed up the Washington view, but also put an end to the idea that the United States might buy Cuba. Nothing new was put forward in this instruction, which contained again a list of American grievances, except this sentence: "We do not want Cuba."³⁹

The next day Moret called on Woodford again and told him that Señor Sagasta would be glad to talk with him informally "on the subject of an immediate suspension of hostilities in Cuba through means of an armistice of truce." On the same day Woodford received from Day a telegram that, for the first time, was a definite proposal. Would the Spanish Government agree to these propositions: (1) an armistice until October 1, with negotiations for peace meantime between Spain and the insurgents through the friendly offices of the United States; (2) an immediate revocation of the concentration orders to permit people to return to their farms, "the needy to be relieved with provisions . . . from the United States coöperating with the authorities so as to afford full relief"? If possible Woodford was to secure an arrangement whereby, if a definite peace had not been established by October 1, the United States should be the final arbiter between Spain and the insurgents. If the Government of Spain would agree to the proposals, the President would use his friendly offices to get the insurgents to accept the plan.

Just before this telegram was received, Woodford, in order to be able to know just what to say to Sagasta, had telegraphed Washington to have certain points in

the message of March 25 more definite: "Do the words 'full self-government' mean actual recognition of independence, or is nominal Spanish authority over Cuba permissible?" To this came the answer from Day: "Full self-government with indemnity would mean Cuban independence."

Here, then, is the solution that McKinley, and probably at an earlier date Day, had reached. The United States would not buy Cuba, but Spain must bring the war to a close with a definite understanding that the outcome of further arrangements would mean the giving up of her last considerable remnant of empire in the New World. It meant more than this. It meant that McKinley and Day, by insisting on independence for Cuba, were proposing terms which they knew, or ought to have known, that Spain would not and probably could not accept. In other words, they were proposing something that must inevitably lead to intervention and war. In spite of the detailed reports Woodford had been sending, it is quite possible that neither the President nor Day really understood what the Spanish Government was facing; they probably did not understand that the blow to Spanish pride either in yielding to the United States or in granting voluntarily a truce to the insurgents meant an overthrow of the Spanish Government and very likely the downfall of the dynasty.

Immediately the question arises: how can one explain this apparent determination to force the issue and to insist on a program that Spain would not accept? Such a question cannot be answered categorically, but some of the factors that may be reckoned with are obvious. The course of events in Cuba had stirred Americans

to a high pitch. As a rule, they were convinced that conditions on the island were intolerable—indeed, Senator Proctor's speech on March 18, after he had visited Cuba, corroborated all they had been reading in the newspapers. They were convinced, and probably rightly so, that Spain had not been a successful ruler of dependencies, that her authority, exercised too often by corrupt officials, had been accompanied by political and economic restrictions long out of date. Furthermore there was a deep-seated belief that the Spaniard was treacherous and tricky. Both Day and McKinley had become suspicious of the good intentions of the Spanish Government, and the delays which had accompanied the whole negotiation could but strengthen them in these convictions. In addition to all this, it cannot be forgotten that President McKinley was an astute politician who knew how to gauge public opinion. No doubt he would have been glad to find a peaceful solution of the problem, but if he delayed too long and Congress took the bits, where would be his leadership of the party, to say nothing of the country?

Woodford was not left in the dark as to the pressure that was being put on the Administration. Again on March 30 Day telegraphed:

“You should know and fully appreciate that there is profound feeling in Congress, and the gravest apprehension on the part of the most conservative members that a resolution for intervention may pass both branches in spite of any effort which can be made. Only assurance from the President that if he fails in peaceful negotiations he will submit all the facts to

Congress at a very early date will prevent immediate action on the part of Congress."

From the end of March to April 11 Woodford exerted himself to the utmost to bring to the Spanish Government a realization that if American demands were not met, it meant intervention and war, and to utilize such concessions as were made to hold his own Government back. His critical interview of March 31 was disappointing: "Yesterday's conference was a sorrow to me, for I have worked hard for peace." That conference, he had telegraphed at its close, had "turned, as I feared, on a question of punctilio. Spanish pride will not permit the ministry to propose and offer an armistice, which they really desire, because they know that armistice now means certain peace next autumn. I am told confidentially that an offer of armistice by the Spanish Government would cause revolution here. Leading generals have been sounded within the last week, and ministers have gone as far as they dare to go to-day. I believe the ministry are ready to go as far and as fast as they can and still save the dynasty here in Spain." Nevertheless, when he sent the dispatch confirming the telegram, he added this comment: "Perhaps this is true, but they said the same some weeks ago and yesterday they yielded on two points. First they are willing to arbitrate the *Maine* matter. . . . Secondly, they revoke the reconcentrado order. . . . It is not so long since they denied the very existence of the horrible conditions they now admit." The populace, Woodford said, had been most truculent in the previous September, but at this time the war spirit was

manifested mostly by the "aristocracy, the political classes, and the generals and officers of the army. The army is still the controlling factor in Spanish politics, and the attitude of the army constitutes the real danger today."

While the tenor of Day's dispatches shows that he had virtually given up hope of a peaceful outcome, formally the armistice question was the final stumbling-block. The kind of armistice acceptable to the United States was defined by Day in a telegram of April 4: ". . . An armistice involves an agreement between Spain and the insurgents which must be voluntary on the part of each, and if accepted by them would make for peace. . . . An armistice, to be effective, must be immediately proffered and accepted by the insurgents." While Woodford, retaining a glimmer of hope that war could be avoided, was working with various members of the Spanish Government to get them to realize that his own Government meant business, the Administration in Washington was being confirmed in its belief that negotiation was hopeless. When the Spanish Government, inadvertently or otherwise, gave it out that the Pope was offering to mediate at the suggestion of the President, it produced an unfortunate reaction in the United States and probably helped fix in Day's mind the idea that the Spaniards were not to be trusted. When Gullón asked that American war-vessels be withdrawn from the vicinity of Cuba and Key West, it must have strengthened the belief that Spain itself did not expect a continuation of peace. The manner in which Blanco's proclamation withdrew the concentration orders aroused suspicion. Then, when a copy of the auton-

omy manifesto was received from the new Spanish minister, Day telegraphed Woodford: "It is not an armistice. . . . It is simply an invitation to the insurgents to submit, in which event the autonomy government, likewise suspending hostilities, is prepared to consider what expansion if any of the decreed home-rule scheme is needed or practicable. It is scarcely necessary to point out that this is a very different thing from an offered armistice. The President's message will go in on Wednesday afternoon." A little earlier on the same day Woodford had received word to notify the United States consul-general and to co-operate with him in notifying consular officers in Spain to prepare to leave their offices in charge of a friendly power.

The message, however, did not go in on Wednesday. It was delayed until the following Monday, April 11, principally at the earnest request of Lee, who wished more time to ensure the safe departure of Americans from Cuba. The respite was useless so far as preventing American action was concerned; neither had the suggested papal mediation nor the representations of the European powers any influence. Moreover, the eleventh-hour yielding by Spain on the armistice question was without avail. The message had been prepared, and, while the substance of the communication regarding the armistice was tacked on to the end, the document as a whole was not modified by it.

After rehearsing in some detail the story of the Cuban revolt and its bearing on the United States, and outlining the course that he had pursued, McKinley summed up the case for intervention and asked Congress "to authorize and empower the President to take measures

to secure a full and final termination of hostilities between the Government of Spain and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquillity and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes.”⁴⁰

Congress immediately proceeded to consider resolutions introduced to confer the desired authority and, after a brief discussion, to pass them by overwhelming majorities. The President’s message was taken at its face value as a direct invitation for Congress to authorize that intervention which a majority of both houses had been striving for so long. Intervention was followed by a declaration of war by Spain and this in turn by a declaration of the existence of a state of war by Congress, and the Spanish-American War began.

CHAPTER IX

THE QUESTION OF MEDIATION

THE foregoing narrative has shown that when General Woodford was sent to Madrid, the Administration contemplated the possibility of a rupture with Spain, although it was hoped and, until the early part of 1898, possibly expected that it would not come. Under the circumstances, however, it was well not only to put America's case before the other powers, but to ascertain discreetly what the probable attitude of those powers would be if a peaceful solution was not found. In pursuance of both of the ends, Woodford took occasion, when a favourable opportunity presented itself, to explain at considerable length the interest the United States had in the Cuban situation and to show why it was a matter of vital importance that the intolerable conditions should change. He talked with the British ambassador, the Russian representative, as well as with the ambassadors of France and the German Empire, knowing well that each would report the substance of the conversation to his Government.⁴¹

The German Government was particularly interested in what its ambassador at Madrid, von Radowitz, had to report. At the suggestion of Emperor Wilhelm the German ambassador at Vienna was directed to sound the Austrian Government on a possible joint representation with a view to maintaining intact the monarchical principle of government and to preventing the

unsettling political and economic readjustments that might follow a clash between the United States and Spain.⁴² Nothing was done at the time because it appeared that there might be no rupture of good relations, but the attitude of the German Government as expressed in an instruction of September 1897 to the ambassador in Austria was essentially that which was maintained throughout the period until hostilities actually broke out. That attitude may be summed up in this way: the German Government was willing to co-operate with the governments of the other principal European powers in mediating between the United States and Spain; it would have gone to the point of intervention had it received the necessary support.

Austria, France, and perhaps Russia were likewise willing to mediate and, if necessary, to intervene. No one of them, not even Germany, was willing to take the initiative, and the cause of all this coyness was the attitude of Great Britain. Every suggestion, and there were many of them, emanating from the foreign office of Berlin or Paris or Vienna met with coolness in London, and there was considerable grumbling in the other capitals. An outburst of the Kaiser's, written at the end of a dispatch that came to the German Foreign Office after war had actually started, may be taken as a not wholly uncharacteristic sentiment of most of the continental governments:

“England wants to play the same game she did years ago when avowedly she provoked the outbreak of the Græco-Turkish war. She stirs up action of all the powers and apparently participates until they

have compromised themselves with the belligerents; then she draws back, pharisaically beats her breast, declares she never had a part in it, secretly joins with one of the combatants—naturally always the stronger—and incites it against the Continental powers. Meantime at their [the powers'] expense she begs special trading concessions from it. England won't belong to Europe, it won't throw its lot with the Continental Powers, but wants to establish an independent continent for herself between this continent and Asia or America."

In the United States during the period when the tension was increasing and when war came, there was keen realization that, aside from England, the people and the governments of the principal European states were much more friendly to the Spanish than to Americans. The press of France, Germany, and Austria was outspoken in its sympathy for Spain, whereas, with very few exceptions, that of Great Britain was friendly to the United States. The sentiment expressed in the *London Spectator* of September 25, 1897 may be taken as typical of the general run of English comment:

"It is hardly necessary for us to say that, if war takes place, our sympathies will be with our own flesh and blood, and not merely because they are our own flesh and blood, but because we believe that the rule of Spain in Cuba is an outrage on humanity."

Needless to say, the reasons given by the *Spectator* were not the only reasons why British sympathy lay

with the United States, but this is no place to take up a consideration of European international relations at the close of the nineteenth century, including, as they did, Germany's policy in South Africa and the new German naval program. To Americans generally such outspoken British sympathy was most grateful and they had no intention of probing far behind the statement itself. It was satisfying to have this assurance of moral support and tacit governmental sympathy when they were wondering why everybody did not understand the righteous cause they supported, and insisted on sympathizing with the wrong person.

That only Great Britain was openly sympathetic with the United States did not mean that at any time there was real danger of difficulty with any other power. No one of them was willing to take the lead, even in an effective gesture, and all of them together were reluctant to act if Great Britain should hold aloof. For a time, nevertheless, there was considerable popular alarm in the United States, or at least apprehension that trouble, especially with Germany, might arise. So much newspaper comment was aroused at the tone of hostility in the German press that at one time the Department of State contemplated sending to Germany a prominent citizen of St. Louis, Joseph Brückner, as an unofficial envoy to use his influence to change this tide of sentiment, but nothing was done. Day, now Secretary of State, apparently was at no time seriously disturbed.

There is no evidence that, in the days just before the war came, Day was aware of the somewhat feverish interchange of communications between European

capitals over Spanish-American affairs. He could, however, glean from the dispatches that came from Colonel John Hay, then American ambassador near the Court of St. James's, some information of what was going on; but whatever disturbance these intimations might have aroused was allayed by the other signs that the British Government was discouraging every proposal which might lead to serious interference. Just how much the Administration relied upon this British influence and how much its course was pursued ignoring and ignorant of the European situation, it is difficult to say.

In February and March 1898, when the series of untoward events intensified the drift towards war, the Spanish Government twice approached the other European powers for some sort of support or something that would prevent an armed clash. It found every avenue blocked by the unwillingness of any one power to take the lead. On March 26, after Spain sent her second appeal to the powers, the German Chancellor, Prince von Bülow, instigated by a new suggestion from Vienna that Germany take some effective step, telegraphed Otto von Bülow, accredited to the Papal Court, to ascertain whether His Holiness would not be induced to tender his good offices. The suggestion of papal mediation seemed to offer the best chance of success, and on March 27 the Pope telegraphed Archbishop Ireland of St. Paul to go to Washington to work in the interests of peace. There is reason to think that President McKinley was not entirely averse to this notion of papal mediation, but when it was announced in Madrid that the suggestion came from the President,

it was necessary to repudiate entirely any suggestion that American affairs were being guided from Rome.⁴³ The report of Archbishop Ireland's visit to Washington as given in the New York *Tribune* of April 5 shows something of the reaction to the way in which the news had gone out:

" . . . About 12.30 o'clock today Archbishop Ireland came to the State Department and went directly to the office of Assistant Secretary Day. . . . [He] remained with Judge Day about a quarter of an hour, and soon after his departure the Assistant Secretary started for the White House.

"The Archbishop declined to discuss the purpose of his call, saying it was merely to pay his respects, and showed some annoyance when inquiry was made as to the direction of Papal influence. While the call renewed the talk about mediation, a general impression prevailed throughout official circles that no mediation of the Pope and no influences in that direction would be seriously entertained by the United States Government."

Spain's formal request for the powers to employ their good offices in its behalf resulted in the presentation to the President by their representatives of a formal note on April 7, to which McKinley returned answer that, while appreciating the spirit in which the good offices were tendered, the situation must be handled directly by Spain and the United States. The President and his closest advisers were aware that this was a formal representation and that a refusal of the mediation

would be followed by no other action. Sir Julian Pauncefote, the British ambassador, had been instructed, according to what Mr. Balfour told John Hay, "to do nothing about collective representations except what would be agreeable to the President."⁴⁴ Furthermore, according to the Washington correspondent of the London *Times*, George W. Smalley, a close friend of Sir Julian's, "not only was the original note presented on April 7 by the Diplomatic Body and drafted by Lord Pauncefote submitted to the President for approval in advance, but the text was concerted between Lord Pauncefote and Mr. Day, then [*sic*] Secretary of State; alterations were suggested by Mr. Day and accepted by Lord Pauncefote, and the President's answer was written with the text of the note before him."⁴⁵

There was one more attempt on the part of the diplomatic corps in Washington to secure a delay when it was learned that Spain had yielded the point of the armistice. The representatives of the six powers met and drew up a statement in which attention was called to Spain's latest concession, and the suggestion proffered that this made it possible to adjust Cuban difficulties without American intervention. When the several ambassadors communicated what they had done to their respective governments, they were directed to go no further with the matter. Not until 1902, when in connexion with other matters the episode was dragged to light, did anybody in Washington know that such a proposal had been contemplated.⁴⁶

CHAPTER X

PROBLEMS OF A SECRETARY OF STATE IN WAR TIME

IN a war so one-sided and so brief as that between the United States and Spain there was little opportunity for many questions of serious international import to arise. Furthermore, owing to a variety of circumstances, the connexion of Secretary Day with some, if not most, of the few issues is not especially marked. When, for example, the President issued his formal proclamation of April 26, 1898, in which were set forth the rules under which the war would be conducted on the part of the United States, this document went out over the name of Alvey A. Adee, then Acting Secretary of State; Secretary Sherman had resigned on the previous day and the new head of the Department was out of town and had not yet taken his oath of office. The details of the proclamation, it seems fair to assume, must have been talked over earlier by the President and Day, for the matter had been brought to McKinley's attention before Spain declared war.⁴⁷ Its most significant part was found in the statement that the United States would not resort to privateering, but would adhere to the rules of the Declaration of Paris.⁴⁸

Some slight friction arose over the seizure of one or two vessels suspected of having attempted to run the blockade established on a portion of the north coast of Cuba by a proclamation of April 22 and extended to a

part of the south coast and to the port of San Juan in Porto Rico on June 27. The French liner *Lafayette*, sent to Key West on May 6 on suspicion that it had been attempting to enter Havana harbour, was released two days later on representations of the French ambassador, Jules Cambon. Another vessel of the same line, the *Olinda Rodriguez*, was taken by the cruiser *New Orleans* and sent with a prize crew to Charleston on July 17, because it was suspected of having tried to enter the harbour of San Juan. This case was not cleared up until a decision of the Supreme Court, rendered May 15, 1899, declared that there was not sufficient proof of an attempt to run the blockade and ordered the unconditional release of the vessel.⁴⁹ Cables and their use, rights of belligerents in neutral ports, and like questions involved considerable correspondence, but no very important diplomatic issues.

The question of protecting American interests in Spain and its possessions gave rise to very little discussion. British authorities accepted this responsibility as well as that of safeguarding the American legation and the various consulates. In the United States Spanish subjects and interests were placed jointly under the protection of the French and Austro-Hungarian embassies, and questions arising out of alleged infringement of rights were handled for the most part by Assistant Secretary Moore.⁵⁰

In the days when the tension between the United States and Spain was increasing, now and then a newspaper carried an item about the Philippine Islands, that oriental remnant of Spain's former empire. Judging from the surprise elicited by the news of Dewey's

destruction of the Spanish squadron at Manila, it would appear that few people had paid any attention to this distant archipelago, even though there had been a native insurrection there at the same time the Cuban revolution was raging. But the part that Manila might play if war came had not been overlooked by some officials. In September 1897 Assistant Secretary of the Navy Roosevelt had written to Henry Cabot Lodge that he had given the President a paper outlining what "ought to be done if things looked menacing about Spain, urging the necessity of taking an immediate and prompt initiative if we wished to avoid the chance of some serious trouble and of the Japs chipping in." After indicating what disposition he thought should be made of the Atlantic fleet, Roosevelt went on to say: "Meanwhile, our Asiatic squadron should blockade and if possible, take Manila." The War Department, however, seems never to have contemplated the possibility of military action in the Philippines, and this would indicate that probably neither the President nor Day anticipated anything more than a possible naval demonstration in those waters.

What Dewey's defeat of the Spanish squadron in Manila Bay presaged seems to have impressed itself on foreign governments before it did on that of the United States. Prince Henry of Prussia, brother of Emperor Wilhelm II, then commanding the German naval forces in the East, telegraphed to Prince Bernhard von Bülow from Hong Kong on May 11 to say: "A German merchant from Manila has stated in a way most worthy of credence that a rebellion has justified itself in the Philippines and will succeed; that the natives would

gladly place themselves under the protection of a European power, especially Germany." A day or so later the German Foreign Office received another cablegram, this time from the consul at Manila, corroborating Prince Henry's assertion: the insurgents were not fighting to change masters; they did not, however, think they were capable of establishing a republic and believed a kingdom would be better. "Existing conditions are such that the matter will probably terminate with the offer of the throne to a German prince. Ought the thing to be allowed to develop freely, or should it be waved aside?"⁵¹

When one considers that it had been only about a year before this that the German Government had obtained the lease of Kiaochow, and that Germany, entering late the scramble for colonial possessions which appeared so necessary to supplement her growing industrialism, yearned for overseas possessions, it cannot be doubted that an intimation of this kind fell on eager ears at Berlin. This suspicion is confirmed by correspondence that the German Foreign Office has since allowed to be published. From the time Prince Henry's telegram was received until it was made to appear that Germany had no chance to secure even a portion of the Philippine Islands, various efforts were made by the Kaiser himself and by the Foreign Office to bring about some situation that would leave at least a part of the archipelago open to German exploitation. The policy of the German Government may be summed up in the words that open a dispatch sent by von Bülow to Holleben, the German ambassador at Washington, on July 1, 1898: "His Majesty the Emperor deems it a

principal object of German policy to leave unused no opportunity which may arise from the Spanish-American War to obtain maritime fulcra in East Asia."

To some degree the hope that circumstances would be so shaped as to make these plans realities was stimulated by Andrew D. White, the American ambassador at Berlin. Being without instructions on the point and apparently never dreaming that his Government contemplated the retention of the islands, White, in a personal interview with Richthofen, then an under-secretary in the German Foreign Office, said that in his opinion the United States would want to keep no more than a coaling station or two in the East Indies and possibly some in the Antilles. He believed that the acquisition of overseas possessions would be a mistake: it would bring heterogeneous elements into the United States Congress and thus endanger the fundamental ideas on which the union was based; furthermore, on account of the frequent change in administrations, he doubted whether a successful colonial policy could ever be evolved.⁵² When he reported this conversation to the Department, he was told to impress upon the German officials that this was his *private* opinion, that the Administration had come to no decision upon the point. What hope may have been inspired by White's remarks must have been much tempered by information that came from Ambassador Hatzfeldt in London, for neither from Lord Salisbury nor from Hay did he receive anything to encourage him in the belief that Germany's aspirations would be realized.

So far as Great Britain was concerned, Hay was able to telegraph Day on July 28 that it would prefer to see

the United States keep the Philippines.⁵³ Faced then with reticence when the question was brought up in London or Washington, the German Government reluctantly gave up the idea of securing all or part of the Philippines and turned to a plan of neutralizing the islands. When the peace protocol was signed in Washington, even the neutralization scheme was dropped and Germany contented itself with trying to secure at least a coaling station somewhere in the Philippines or in the Sulu Archipelago, and finally, when the peace conference was in session in Paris, sought compensation elsewhere.⁵⁴

It was, of course, in connexion with the desire that somehow colonial extension for Germany might come out of the Spanish-American War that Vice-Admiral von Diederichs was ordered to take a portion of his Asiatic squadron to Manila, ostensibly to protect German interests. There is no reason to believe that at any time the German Government contemplated forcing matters. The friction between Dewey and Diederichs grew out of the situation itself and, possibly, from a little Prussian arrogance on the part of the latter. It was not a subject that appears to have caused either McKinley or Day any especial concern. A report, to be sure, was sent by Dewey to the Navy Department, but he himself says he intentionally refrained from troubling the President with it. Aside from one inquiry that Day sent White asking an explanation of the size of the German squadron at Manila, there is no correspondence to indicate any real perturbation over the situation.⁵⁵

For the American Government the question of the

Philippines was an increasingly perplexing one. The final decision can be accredited neither to Secretary Day, although he was in favour of their retention, nor even to the President, except in a formal way. From an almost total popular ignorance even of the existence of the archipelago there came a swift revulsion to the keenest interest; from the time the news of Dewey's victory was printed until the treaty of peace was ratified, there was a growing demand for retention of the islands. Many business men beheld there an opportunity for profitable commerce and an American foothold in the Orient to match those that European powers had gained; religious organizations saw a field for missionary endeavour; and the average man, who could hardly have given a cogent reason for his belief, had a vague but none the less strong idea that it was the duty of the United States to confer the blessings of its institutions upon the poor Filipino, who had suffered so long under the yoke of Spain. "Manifest destiny" had come to life again! The fact that the insurrection which had been intermittently breaking out in the islands took new lease of life when Emilio Aguinaldo and other revolutionary leaders were assisted back to Luzon by the American squadron proved to many that there could be no other solution of the problem aside from independence under American protection, or American retention of the islands.

Added to all the popular pressure at home was a real problem in the Philippines themselves. As a matter of sheer military necessity troops had to be sent from the United States, and no sooner had General Merritt and his forces arrived than friction with the Filipino in-

urrectionists developed. Conflicting reports came back to Washington, but it became apparent that, even had there been no popular demand for retaining the islands, it was impossible to step out immediately and cast off all responsibility. While his report did not arrive until after the armistice had been signed, General Greene's "Memorandum concerning the Philippine Islands," drawn up on August 27, summarizes what had been trickling in from other sources, official and otherwise, for a month or more:⁵⁶

"If the United States evacuate these islands, anarchy and civil war will immediately ensue and lead to foreign intervention. The insurgents were furnished arms and the moral support of the Navy prior to our arrival, and we cannot ignore obligations, either to the insurgents or to the foreign nations, which our own acts have imposed upon us. The Spanish Government is completely demoralized, and Spanish power is dead beyond possibility of resurrection. Spain would be unable to govern these islands if we surrendered them. Spaniards individually stand in great fear of the insurgents. . . . On the other hand the Filipinos cannot govern the country without the support of some strong nation. They acknowledge this themselves, and say their desire is for independence under American protection; but they have only vague ideas as to what our relative positions would be. . . .

"The hatred between the Spanish and the natives is very intense and cannot be eradicated. The natives are all Roman Catholics and devoted to the church,

but have bitter hatred for monastic orders—Dominican, Franciscan, and Recollects. They insist that these be sent out of the country or they will murder them. These friars own the greater part of the land, and have grown rich by oppressing the native husbandmen. Aguinaldo's army numbers 10,000 to 15,000 men in the vicinity of Manila, who have arms and ammunition, but no regular organization. They receive no pay, and are held together by hope of booty when they enter Manila."

Faced with a situation like this, prodded on by a popular demand to "keep the Philippines," encouraged to do so by England, aware that, if the reports were true, nothing could prevent those islands from becoming the dependency of some other power, and that certainly not Spain, the Administration, willy-nilly, was pushed into incorporating in the peace protocol a section which read:

"The United States will occupy and hold the city, bay, and harbor of Manila, pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines."

Uncommitted to any definite policy, the Administration held the door open to any solution. Secretary Day believed that retention of the islands was the only ultimate solution, but the problem remained unsettled at the time Day resigned the duties of Secretary of State and went to Paris at the head of the American peace commission.

CHAPTER XI

THE PEACE PROTOCOL

THE Spanish Government from the beginning had no illusions as to the outcome of the war. Every recourse had been tried to secure some effective aid in Europe and every one had failed. Faced with a two-fold threat of revolution, from reactionary Carlists and radical republicans, if too complete and too rapid a yielding to the United States was made, the Ministry had granted all that it felt could be surrendered and not expose the Government and the dynasty to overthrow. Some sort of fight had to be made to vindicate Spanish honour and satisfy Spanish pride.

That the war should be so completely one-sided was a surprise even to the people of the United States. The hopelessness of the struggle was seen as soon as the Spanish squadron was destroyed in Manila Bay, and as early as May 8 Ambassador Hay telegraphed that he had been asked unofficially by a member of the British Government whether the war would cease if Spain should offer through England to evacuate Cuba.⁵⁷ By June 3 Hay was told the terms that would be acceptable to the United States if acceded to immediately. Two days later Hay reported that Lord Salisbury would, if desired, suggest to Austria to advise Spain to make overtures for peace; this course was acceptable to the President, provided it was well understood that the overture came from Spain and not from the United

States. Before anything could be accomplished through Austria, Hay received word that the terms of June 3 might have to be modified with respect to the Philippines.

The result of these informal and roundabout negotiations took formal shape in a message, dated July 22, to President McKinley from the Duke de Almodóvar del Río, the new Spanish Minister of State, and submitted by Ambassador Cambon to Secretary Day.⁵³ Spain, said the Duke, was "prepared to spare Cuba from the continuation of the horrors of war if the United States" was, and wished to learn "from the President of the United States upon what basis might be established a political status in Cuba and might be terminated a strife which would continue without reason should both Governments agree upon the means of pacifying the island."

Eight days later, on July 30, Secretary Day made known the terms of the United States after summarizing the issues that had led to the war. These terms, with a few verbal changes, were exactly what were incorporated in a protocol signed by Day and Ambassador Cambon, acting for Spain, on August 12. They included (1) Spanish relinquishment of all claim of sovereignty over Cuba, (2) cession to the United States of Porto Rico and other Spanish islands in the West Indies, (3) American occupation of Manila "pending the conclusion of a treaty of peace which shall determine the control, disposition and government of the Philippines," (4) immediate evacuation of Cuba and Porto Rico, (5) provision for the appointment of commissioners to meet in Paris not later than October 1 to draw up the definitive treaty, and (6) immediate suspension of hostilities.

The Duke de Almodóvar, faced with the inevitable, agreed to the terms, but appended to the acceptance of the Philippine statement a declaration that the "temporary occupation" of Manila constituted a guaranty, not a cession of Spanish sovereignty; the status of the islands remained to be fixed in the final peace negotiations.

CHAPTER XII

THE END OF JUDGE DAY'S TENURE

WHILE the exciting events leading to the war were taking place and during the conflict itself, the Department of State carried on its customary routine functions. A reciprocal commercial agreement with France and its interpretation, German restrictions on the importation of American fruits, immigration questions as they affected Italy, and similar issues were provocative of much correspondence, which was efficiently handled under the direction of the two able assistant secretaries. No real issue involving the settling of a policy came forward to engage much of the attention of Secretary Day. Over in the Orient, Russia's lease and occupation of Port Arthur had aroused some interest, following as it did close upon Germany's occupation of Kiaochow; but, with assurance that American treaty rights obtained from China would be observed in the leased district, there was little disposition to prod deeply. Nor did Great Britain's occupation of Mir's Bay with its islands, in the vicinity of Hong Kong, stimulate much attention. The Russian Tsar's invitation to the Government of the United States to take part in a peace conference was telegraphed from St. Petersburg on August 25, 1898, and one of his last acts as Secretary was performed by Judge Day when, on September 12, he accepted the invitation for his Government.

In the course of the war the trend of public opinion and the reaction of governments in Latin-American

countries were closely followed. In some of these states, notably in Venezuela, an attitude distinctly unfriendly to the United States was evinced by the press and by the public generally. Less marked, a similar tone underlay dispatches that arrived from other Spanish-American countries, but nothing rose to the surface sufficiently to cause anything more than watchfulness.

With the conclusion of the peace protocol Day could feel that his presence in the Department of State could soon be dispensed with. He had never had any predilection for the office and was willing to surrender it when he could do so without embarrassment to the President. His services in a diplomatic capacity, however, had to be requisitioned once more when he was appointed to head the American delegation for the Paris peace conference. The account of the activities of this commission, which received formal instructions on September 18 and was in Paris ready to meet the Spanish commissioners twelve days later, belongs to the sketch in this series dealing with Colonel John Hay, who was recalled from London to assume the duties Day relinquished.

When the Treaty of Paris was framed and the commission returned to the United States, Day established himself once more in his law practice, but his retirement from public life was short. In 1899 President McKinley appointed him to the bench of the sixth judicial circuit to fill the place vacated by William Howard Taft. Within three years President Roosevelt nominated him Associate Justice of the Supreme Court of the United States, and this position Day held till he retired, on November 14, 1922.

His colleagues on the bench recognized the breadth

and depth of Justice Day's learning and he was frequently called upon to write the opinion of the court in cases of unusual intricacy or difficulty; among the more important opinions that he formulated were those in the United Shoe Machinery case and the Southern-Central Pacific case. His colleagues also recognized and appreciated his quiet humour. No doubt they likewise appreciated his ardent following of baseball; his enthusiasm over this sport was so great that he had sent to him when on the bench and in chambers telegrams recording the progress of the games in the world's series, and these he would read to his associates in the midst of their solemn deliberations.

When President Harding was requested by the German Government to designate an umpire for the Mixed Claims Commission, United States and Germany, for adjudicating claims of United States citizens against the German Government, arising out of war-time acts, the President selected Justice Day for this post and appointed him, on August 19, 1922. It so happened that Day was never called upon to pass upon any of the cases that came before the commission, for his position as umpire demanded his services only when there was a disagreement among the members of the commission itself. Before such a case arose, he had resigned.

In 1920 Day's constitution was greatly weakened by pneumonia. As his physician said at the time of his death, Justice Day had been "living on his nerve" for several years, and it was only his sense of duty to the public that kept him in the harness so long. The condition of his health, however, forced his retirement from the Supreme Court. A few months later, on May 15,

1923, he gave up his position as umpire of the Mixed Claims Commission. That summer he went, as he had for more than forty years, to Mackinac Island, but his health did not improve and he died on July 9, 1923.

Few of the Secretaries of State present a more difficult task of evaluation. The foregoing narrative has brought out the fact that Day never had any aspirations towards a diplomatic career or for a political one in the ordinary sense of the word. It was his deep friendship for President McKinley that took him to Washington in the first place, and the same friendship plus a sense of imperative duty at a critical time that made him become Secretary in name as well as in fact. Almost wholly ignorant of the routine of the Department and with no especial equipment for diplomatic work, he took to his task an amazing tact and much ability, so that the combination served him in the stead of such diplomatic training as his successor, John Hay, had received.

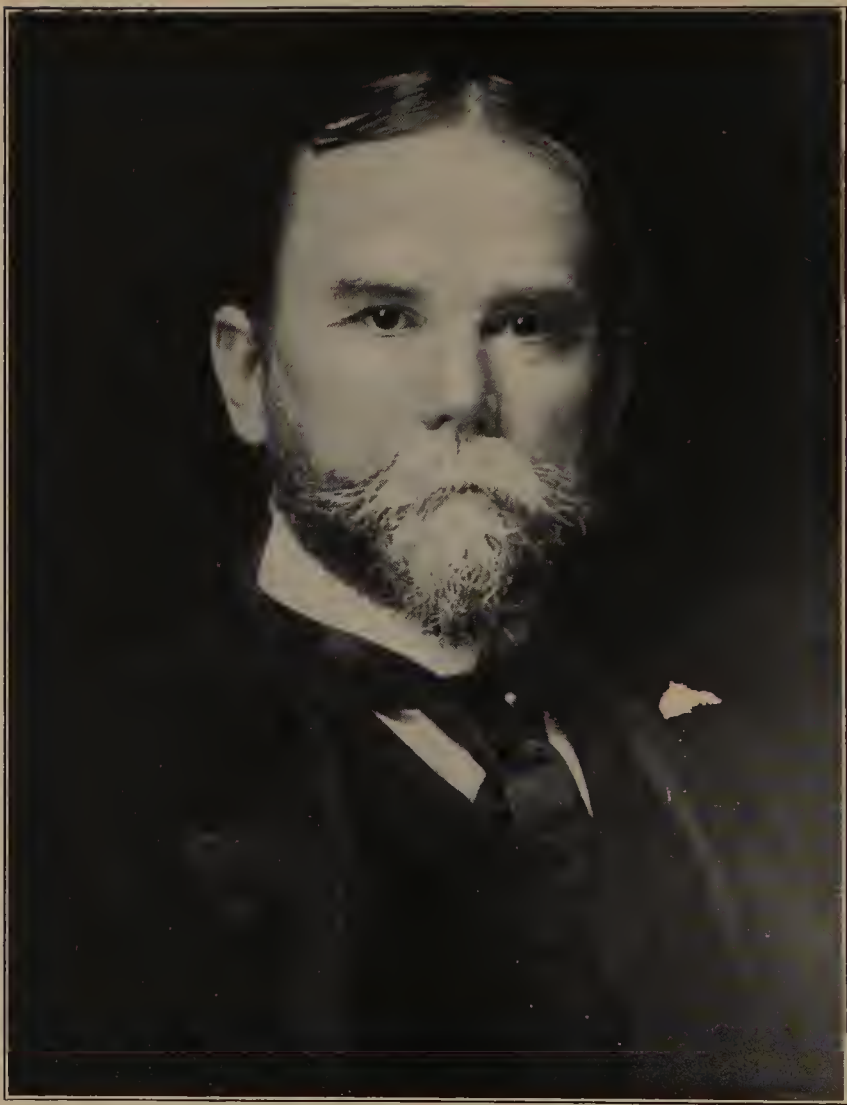
No opportunity was given him to block out a policy; the problems with which he had to deal were already cut out for him, so that in no major way was he in a position to strike out on a new path or enunciate a doctrine of marked significance. His personal influence with President McKinley was very great, and no doubt in a quiet and unassuming way he helped to guide the thoughts of his chief; his scepticism about a peaceful Cuban solution, and his belief that the United States should retain the Philippines, unquestionably had much weight with the President. On the other hand, it does not seem possible to show that the course of events was markedly affected by Secretary Day. His brief tenure of office, in one of the most critical periods of recent American

development, was characterized by an exhibition of solid common sense, tact, and broad understanding; he was a "shirt-sleeve" diplomat in the best sense of the term. His career as Secretary cannot be called brilliant, nor was it guided by an intimate knowledge of world politics in the broader sense. Whether this was a detriment or an advantage is a question that lends itself to discussion.

JOHN HAY
SECRETARY OF STATE
SEPTEMBER 30, 1898, TO JULY 1, 1905

BY

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John Hay

JOHN HAY

COURTESY OF THE KEYSTONE VIEW COMPANY

JOHN HAY

CHAPTER I

AMBASSADOR AND SECRETARY OF STATE

JOHN HAY was born on October 8, 1838, at Salem, Indiana, the son of Dr. Charles Hay and of Helen Leonard Hay. On his mother's side he was of "pure New England stock," which had adventured from England to Massachusetts during the seventeenth century; his father's family was of Scotch origin. As a soldier, serving in central Europe in the army of the Elector Palatine, the direct ancestor of John Hay had four sons. One of these, Adam, reached America and settled in Berkeley County, Virginia. Thence his son, John, crossed the mountains to Kentucky and later moved north to Illinois. Of his many children, Charles was trained as a physician and settled first in Indiana, at Salem; but in 1841 he moved westward to Warsaw, Illinois, where his young family took root. I suppose Warsaw was an *alias* for Spunky Point, which John Hay always claimed as the place of his boyhood home. I think that he was justified in saying that his home was at Spunky Point; certainly, that name had an American twang.

The education of John Hay, who was the scholar of the family, was first in such small schools as the conditions of pioneer life afforded, later at a college in Springfield,)

Illinois, and finally at Brown University, in Rhode Island. There he took his degree in 1858. Hay dreaded the return to the "barbarous west"; and there followed the period of the "poet in exile," who under the "duress of necessity" finally embarked on "the worldly profession of the law." Soon, however, in the burning politics of the time there came opportunity. Nicolay, a friend of his youth, became private secretary to the newly-chosen President; and Lincoln consented that young Hay should come to Washington as assistant private secretary.

Hay was twenty-seven when the Civil War ended. He had had the opportunity of serving day and night with one of the most sincere men in American history. Out of the dynamic experience of life with Lincoln, Hay came unspoiled. There followed a few years in the diplomatic service, the experiments of journalism, and the success of authorship. In 1874 he married Miss Clara Stone, of Cleveland, Ohio, the daughter of wealthy parents. Now for the first time Hay was really free to do as he wished—to write and to travel. His wife, who understood him well, brought him happiness and cheer, and his work, at times exhausting, was enlivened by the affection of friends. In 1890 the task of writing, in co-operation with Nicolay, a history of the Lincoln period was completed; yet Hay through all that toil still retained, as Thayer says, "the amateur spirit." The "quality of casualness" still rested with him, though underneath the surface there was a desperate devotion to truth, the moral sternness of his Scotch ancestry, and a rare love of beauty.¹

Hay was reserved in manner, nervous yet sanguine

in disposition, given to long periods of despondency, and emotional by temperament. His appreciation of beauty of every form, and his whimsical gifts as a poet, gave to his friendships a touch of spiritual power. He had travelled widely; he was known as a man of letters; he was an aristocrat who could flame into anger at a wrong done to someone else; and he had a facile pen, which he employed with distinction. But he had not had the political hold that could bring him to places of permanent importance until finally in the nineties his friendship with McKinley, who was then Governor of Ohio, seemed to hold out the possibility of preferment of a high order. With the election of McKinley to the Presidency there followed naturally the appointment of Hay as ambassador to Great Britain. This office he took in the spring of 1897; in August of 1898 he was called home to be Secretary of State. Men recalled his arduous service under Lincoln, and the glamour of those days of national distress and final victory gave to Hay's appointment a special interest. His later services and the significant questions that he helped to solve combine to render the next seven years, during which he was to act as Secretary of State, a momentous period in the history of American diplomacy.

On a sheet of note-paper, which is still preserved among the Hay Papers, Hay wrote his cable message to President McKinley accepting the offer to become Secretary of State. On the opposite page, in pencil, is written his refusal to accept this high office. That refusal read: "It would have been the dearest wish of my heart to be associated with you in that way, but my health will not permit it." The ciphered cable of

acceptance was finally sent. Yet in the second and uncabled message the difficulty of health was mentioned. That difficulty was frequently to confront Hay in the years to come. Time and again he was housed by severe colds, by small illnesses of various sorts, by sheer nervous fatigue and exhaustion. His very vacations at times did not seem to benefit him. Perhaps he exaggerated some of these minor ills that afflicted him; but in 1905 he grew older rapidly. A trip abroad to the baths at Nauheim was of benefit; and on his return to America in June he insisted on coming down to Washington, where he tried to attend to business. He was too feeble and still too tired for such a strain. Going back to his summer home at Newbury, New Hampshire, he quickly died, on July 1, 1905.

Hay's brain was always clear; and in curious self-criticism he had written to his brother-in-law in 1902: "I really believe that in all history I never read of a man who has had so much and such varied success as I have had, with so little ability and yet so little power of sustained industry. It is not a thing to be proud of, but it is something to be grateful for."² Later, in June of 1905, a fortnight before he died, he wrote: "I say to myself that I should not rebel at the thought of my life ending at this time. I have lived to be old, something I never expected in my youth. I have had many blessings, domestic happiness being the greatest of all. I have lived my life. I have had success beyond all the dreams of my boyhood. My name is printed in the journals of the world without descriptive qualification, which may, I suppose, be called fame. By mere length of service I shall occupy a modest place in the history

of my time. If I were to live several years more I should probably add nothing to my existing reputation; while I could not reasonably expect any further enjoyment of life, such as falls to the lot of old men in sound health. I know death is the common lot, and that what is universal ought not to be deemed a misfortune; and yet —instead of confronting it with dignity and philosophy I cling instinctively to life, as eagerly as if I had not had my chance at happiness and gained nearly all the great prizes.”³

Some of these prizes Hay had won because of his ability to draw to himself the art and capacities of men with whom he served. His courage and sagacity, his love of truth, and his impetuosity at times gave form to ideas that had been tentatively launched by others. But when he talked of resignation, President Roosevelt would not hear of it. At the time of his inauguration the President wrote to Hay: “I wonder if you have any idea what your strength and wisdom and sympathy, what the guidance you have given me and the mere delight in your companionship have meant to me in these three and a half years.”⁴ At times the vigour of President Roosevelt would chafe at the ill health of his chief Secretary. His robustious nature would be impatient at the unaccustomed caution of the older man. But there can be no question of the sincerity and devotion that marked the happy friendship of the two men.

The contact of Hay with President McKinley was no less cordial. Many letters testify to the warmth and mutual respect of their personal relations. President McKinley was a skilful American politician; his horizon

towards the foreign world was clouded by his ignorance of actual conditions and policies. He relied, therefore, on Hay to a greater degree than did President Roosevelt. Hay had travelled; he had many friends abroad; he was a "literary chap" and could consequently handle the correspondence of the Government. Let Hay manage matters of diplomacy! That seemed to be the attitude of President McKinley.

Already within the first three months of Hay's ambassadorship President McKinley had written to him: "Your last letter to me was delightful as all your letters are. I do not need to be reassured that you are using untiring energy and tact to help along two of the administration's greatest efforts—Bimetallism and Bering Sea Negotiations—but the details which you present are interesting and instructive."⁵ The course of Hay's negotiations regarding an international conference to promote the widespread adoption of bimetallism was, however, jealously guarded from the public. President McKinley endorsed a letter from Secretary Sherman suggesting the possibility of making public one of Hay's dispatches dealing with the matter: "I would not give it out in any form or channel." The truth was this great "effort" of the Administration was to meet with prompt defeat. Great Britain refused to co-operate. To Hay, who had loyally supported the plans of his chief, but who was a staunch "gold standard" man, the result could not have been but welcome.

The second "effort" of the Administration was likewise to be defeated for the time. Great Britain refused to attend a conference, to which Russia and Japan were invited and which met briefly in Washington in Octo-

ber 1897, to consider the situation of the seal herds in Bering Sea. American and British experts had previously differed as to the danger of extermination of the seals. The American verdict was that the situation was so serious as to require restriction if not prohibition of seal-hunters in the waters of Bering Sea. Hay's private comment on this result was: "I have been amazed at the solid way in which the Press of England has stood together around Lord Salisbury, and steadily refused to print the truth."⁶ Perhaps the unfortunate publication in the American press of the text of an instruction from Secretary Sherman to Hay contributed to this result, for in that instruction charges of British bad faith were made. Naturally the British press had commented violently on this episode. Finally, however, the British in connexion with Canada agreed to "a Commission to settle sealing and other pending questions."

Such initial rebuffs, however, did not mar Hay's ambassadorship. His genial tact and the respect that the British soon accorded him made him an increasing factor in the troubled months of 1898. For the United States the outbreak of war with Spain was an event of prime importance. The old notion that America was isolated in its policies and had nothing to do with the European or Asiatic worlds was of course false. But Americans, themselves, did not know their own history and did not appreciate the importance of their relations with foreign governments. The Spanish-American War was to give opportunity for the development of a proper appreciation of such relations. In particular, it was essential that the friendship of Great Britain should be won. The personal qualities and courtesy of Hay made

him an ideal ambassador for that purpose. His own conviction was that "the interests of civilization are bound up in the direction the relations of England and America are to take in the next few months."⁷ To the promotion of a good understanding between the two countries Hay now set himself.

The general situation in China was of concern to both the United States and Great Britain, and the discussions regarding the condition of that unfortunate country gave Hay an admirable opportunity to receive impressions as to British policy and to discover how far it might agree with the ideas that were slowly taking shape in his own mind. Suddenly, however, while Hay was in Egypt on leave, the British sounded Secretary Sherman through Sir Julian Pauncefote, British ambassador in Washington. By a confidential and unofficial memorandum of March 8, 1898, the British Government inquired whether it could count on "the coöperation of the United States in opposing action by foreign Powers which may tend to restrict freedom of commerce of all nations in China either by imposing preferential conditions or by obtaining actual cession of Chinese coast territory." Secretary Sherman returned a cool answer and referred to American "traditional policy of respecting foreign alliances and so far as practicable avoiding interference or connection with European complications."⁸ Thus the first step in developing a common policy failed, but it came from the British side.

British opinion, however, was rapidly taking sides regarding the impending conflict as to Cuba. Hay noted on April 1 that "there is now an almost universal hope that the United States will take such measures as may

be necessary to bring peace to Cuba." He wrote to Senator Lodge that the "drawing room" sentiment was altogether pro-American and that "if we wanted it—which, of course, we do not, we could have the practical assistance of the British Navy,—on the *do ut des* principle naturally." Mr. Balfour said that the British Government did not "propose to take any steps which would not be acceptable to the Government of the United States." Thus both popular and official opinion in England was solidly on the American side during the war with Spain. To this result Hay and his staff contributed much. 2

During the summer of 1898 Hay was repeatedly consulted by the Government in Washington as to terms of peace and as to the state of European opinion. Reports were current that Germany was consulting several of the powers as to the inadvisability of permitting the United States to retain a foothold in the Philippines. It was consequently encouraging to learn that the British had declined a Spanish proposal that Great Britain should take possession of Manila in order to prevent its possible destruction by American forces. Indeed, there seems to have been some fear on the part of Germany lest the relations of the United States and Great Britain were drawing too close. This Secretary Day sought to dissipate by telegraphing to Berlin: "Nothing in the relations of the United States and Great Britain need give any ground for apprehension on the part of the Continental Powers." Such rumours and fears, however, were not without a certain basis of fact as regards Great Britain, for on May 13 Mr. Joseph Chamberlain had said publicly: "I even go so far as to say that,

terrible as war may be, even war itself would be cheaply purchased if, in a great and noble cause, the Stars and Stripes and the Union Jack should wave together over an Anglo-Saxon alliance."

3 Nor so far as Germany was concerned was the situation *couleur de rose*. Hay wrote: "The jealousy and animosity felt toward us in Germany is something which can hardly be exaggerated—*pace* Dr. White [American ambassador in Berlin]. They hate us in France but French hate is as straw fire compared to Germany. And France has nothing to fear from us while the Vaterland is all on fire with greed and terror of us. They want the Philippines, the Carolines, and Samoa; they want to get into our markets and keep us out of theirs. They have been flirting and intriguing with Spain ever since the war began and now they are trying to put the Devil into the head of Aguinaldo. I do not think they want to fight. In fact they frankly tell me they can't. Hatzfeldt [German ambassador in London] said the other day, 'We cannot remove our fleet from German waters.' But they want by pressure, by threats, and by sulking and wheedling in turn to get something out of us and Spain. There is to the German mind, something monstrous in the thought that a war should take place anywhere and they not profit by it."⁹ Such were the views of German policy encouraged by Cecil Spring-Rice, later to be British ambassador at Washington, who was during this summer to be a special friend of Hay.

4 Hay, however, was not in favour at this time of the purchase of the Philippines by the United States. He reported that the British Government would prefer to have the United States retain them, "or, failing that

insist on option in case of future sale." He favoured the terms originally outlined in a confidential cablegram of June by President McKinley, which proposed the cession of a port in the Philippines to the United States. Hay added in July the suggestion that "a strong guarantee of fair treatment of the natives" in the Philippines, and a "prohibition of the lease or alienation of any portion of the islands without our approval," should also be secured in the coming negotiations with Spain.

While these messages were flying back and forth, came the unexpected summons from the President. Hay was reluctantly forced to accept the call to become Secretary of State. The message was dated August 13. He was to qualify in Washington by September 18 and actually did so on September 30, 1898. Almost the last dispatch Hay wrote from London was on September 13, noting with some satisfaction that at the saluting-point of the march past in connexion with the recent British army manœuvres on Salisbury Plain the "American flag was side by side with the British Royal Standard, the Union Jack, and the White Naval Ensign upon the principal marquee." Thus Hay came home, honoured in England, to find that in America the very friendship and good understanding with Great Britain which he had so laboured to promote was the chief ground for a bitter attack on him. This attack was to chafe him sorely during his first few years of office.

Such annoyances did not prevent Hay from plunging at once into the varied matters which awaited his attention. Chief among these was the decision regarding the terms of peace with Spain. The general instructions to the American peace commissioners had been drafted

while Hay was saying good-bye in England. The final decision to retain the Philippines may have been made by President McKinley; but it was supported heartily by Hay. One of the reasons which may have prompted that decision lay in the contents of a note from Japan dated September 8, 1898. The Japanese Government recognized to the full that "the decision regarding the future of those islands [the Philippines] rests with the United States." Spain was "incapable of suppressing the present Philippine insurrection or even of maintaining peace and order." A native government "would be dominated by intrigue and disorder" and would "fall an easy prey to the aggressive tendencies of other Powers." Japan had interests in the maintenance of peace in the Far East and would be entirely satisfied if the United States alone should assume the task of government in the Philippines. If the United States "should feel disinclined to undertake alone" the administration of the islands, Japan "would be willing to join with the United States, either singly or in conjunction with another Power having identical interests, in the endeavor to form, subject to proper conditions, a suitable government for the territory in question under the joint or tripartite protection of the guaranteeing powers."

Such a suggestion may well have quickened official opinion to an appreciation of the awkward situation if the United States did not assume full responsibility for the islands. It was clear that if we did not undertake such responsibility, Germany had every intention of establishing a footing there; the result might well be a situation in which the United States would feel compelled to take a part. At all events, the decision was

made, and within a short time friction developed with Aguinaldo, the insurgent leader in the Philippines. As Adeo wrote on December 30, 1898: "Since the treaty of peace was signed, Aguinaldo is virtually at war with the United States. . . . I strongly favor immediate coercive action against Aguinaldo as a disturber of *our* peace." Thus one aspect of our policy was decided; and the printed record of the instructions sent to the American peace commissioners at Paris, during October and November, gives clear evidence of the hand of Hay. He had changed his views from those of the previous June, as had the President. The United States was now committed to the exercise of sovereignty in the Philippines. As Lord Salisbury had said on November 9, 1898, the appearance of the United States "among the factors of Asiatic and possibly of European diplomacy is a grave and serious event." On the ratification of the treaty of peace Governor Roosevelt wrote from Albany to Hay: "Just a few lines to congratulate you on bringing to so successful an end so great a work. Ambassador and Secretary of State during the most important year this Republic has seen since Lincoln died—these are positions worth filling, fraught with memories your children's children will recall with eager pride. You have indeed led a life eminently worth filling oh! writer of books and doer of deeds!"

Meanwhile the commission appointed to settle outstanding Anglo-American questions was encountering rough weather. Mr. Chamberlain in London had inquired privately as to the causes of the hitch. Hay responded through Mr. Henry White that in the case of the Alaska boundary dispute "it is hard to treat

with patience the claim set up by Lord Herschell [British commissioner] that virtually the whole coast belongs to England, leaving us only a few jutting promontories without communication with each other. . . . We are absolutely driven to the conclusion that Lord Herschell put forward a claim that he had no belief or confidence in, for the mere purpose of trading it off for something substantial. And yet, the slightest suggestion that his claim is unjust throws him into a fury." There were a dozen questions involved before this commission, which was sitting in Washington, but "Lord Herschell insists on making his point on the Alaskan boundary even at the risk of all the rest." Furthermore, Hay had already, in early December, directed Mr. Henry White, in London, to sound the British Government as to the modification of the Clayton-Bulwer Treaty so as to permit the United States to undertake the construction of an Atlantic-Pacific canal. The preliminary responses had been favourable if the canal was to be "open to the ships of all countries on equal terms." Now, however, the British were inclined to trade their consent to the abrogation of the Clayton-Bulwer Treaty for American concessions in the disputes with Canada. Thus Hay wrote on February 14, 1899: "I think it deplorable that the British Government" should insist on this. "The two questions have nothing to do with each other; . . . it is hard to see why the settlement of the [canal] matter ought to depend on the lumber duty or the Alaska boundary."¹⁰

Matters were thus at a standstill in February 1899. In March Lord Herschell died; and in April Hay tried to provide a way out of the dead-lock. He proposed a

treaty under which the Alaskan boundary should be determined by a "Commission of jurists of repute, composed of an equal number appointed by each Government, and that the decision of a majority of these should be accepted by the two Governments." The United States was unwilling to accept arbitration, because of the chances of compromise in a case that the Americans felt should be rightfully decided in accordance with American claims. Lord Salisbury promptly pointed out that Canada must be consulted; and throughout the summer every detail of the negotiations was of necessity referred from the British Foreign Office to the Colonial Office, which in turn consulted with Canada. Thence an identical return route was followed with the result of almost interminable delay.

In May Sir Julian Pauncefote, British ambassador at Washington, was in London and he and Mr. Choate, who had succeeded Hay as American ambassador to Great Britain, undertook the details of settlement. Whereupon Canada objected. Even Choate commented that "this Canadian intervention sometimes makes" it seem as though an amicable issue was somewhat distant. Yet frequent complaints from American officials in Alaska as to local disputes and difficulties made a *modus vivendi* imperative. The danger of clashes between rival American and Canadian groups of miners was very real. Consequently Hay proposed that a provisional boundary line should be fixed without prejudice to future settlement. To this the British Government was ready to agree, but Canada again "raised new points for consideration and discussion." One difficulty was, of course, that the maps of the regions in dispute were often not

entirely accurate or were not available to Mr. Choate. On July 6, 1898, Hay cabled to Mr. Choate that excitement was increasing along the frontier. "I do not wish you to assume tone of ultimatum, but British Government should understand that we cannot recede from our line" as already proposed. On October 20, 1898, this line was agreed on substantially as Hay had drawn it.

Such matters had worn on the Secretary during the summer. He wrote to Senator Davis that to drop the question would mean a great deal. "We have twelve questions, mostly Canadian—to settle with England. None of them will be settled until this one is. The Clayton-Bulwer arrangement also goes by the board. We shall be left in a state of dull hostility, varied by commercial reprisals. The friendship between the two countries, of which nobody has spoken so wisely and eloquently as you have—will prove short-lived and derisory. It was a great blunder of Sir Wilfred Laurier to talk about war. Of course what he meant was that war was impossible and therefore we must have arbitration. But the word, War, should never be used except by philanthropists and soldiers. It is positively indecent in the mouth of a diplomatist."

The Alaskan boundary and the Clayton-Bulwer Treaty were to plague Hay for many months to come. Meanwhile the settlement of Samoan matters with Great Britain and Germany, the formulation of the doctrine of the "open door," and the involution of Chinese politics leading to the Boxer revolt were all to occupy his attention. At the end of a year after his summons to be Secretary of State, Hay wrote frankly that his health was bearing up well; but "it is impossible to exaggerate the

petty worries and cares which, added to the really important matters, make the office of Secretary of State almost intolerable. The unrestricted freedom of access which members of Congress and especially senators insist upon; the venomous greed with which they demand and quarrel over every scrap of patronage that falls in, the clamor of private claimants and their attorneys, for pressure to be applied to poverty-stricken dago-states who may or may not owe them money; all of these things, which are outside my legitimate work, would take every hour of my day if allowed. . . . The worst of all is the uncertainty about what the Senate may do in any given case. You may work for months over a treaty, and at last get everything satisfactorily arranged, and send it to the Senate, where it is met by every man who wants to get a political advantage or to satisfy a personal grudge, everyone who has asked for an office and not got it, everyone whose wife thinks mine has not been attentive enough—and if they can muster one third of the Senate and one, your treaty is lost without any reference to its merits. . . . So summing up my year at the head of the Cabinet I may say that while I have got on fully as well as I imagined, the annoyances have also been precisely what I expected—and there has hardly been an hour of real enjoyment the whole year.”¹¹

CHAPTER II

SAMOA, THE OPEN DOOR, AND THE BOXER REVOLT

THE days of 1899 were crowded with events that sorely taxed the Secretary of State. Slowly, however, problem after problem was solved peaceably and on the whole successfully. One of these led to the final partition of the Samoan Islands among the governments that had been exercising a condominium there. The United States, Great Britain, and Germany had assumed this condominium in the attempt to end tribal wars and to protect their own citizens. The result was friction among the representatives of the powers. Finally, in April 1899, it was proposed to end a situation that was both undignified and dangerous. A commission was appointed to visit the islands and to agree on a settlement of the problem. The suggestion had come originally from Germany, but Hay had seized on it as a way out of the difficulty. The British Government finally drafted the proposal, and the Germans were emphatic in their expressions of pleasure to President McKinley and to Hay. Baron von Richthofen at Berlin "seemed anxious to convey to me [Ambassador White] the impression that Germany was even more desirous of working hand in hand with America in this matter than with Great Britain"; and the Emperor sent his personal thanks to the President. The result was that Mr. Tripp for the United States, Baron Speck von Sternberg for

Germany, and Mr. Eliot for Great Britain went out to Samoa, where they privately elaborated the plan of a partition. In the meantime the offending local officials in Samoa were one by one recalled by their respective governments.

The commission worked out a plan for the administration of the islands, but stated that in their opinion "the only natural and normal form of government for these islands, and the only system which can assure permanent prosperity and tranquility is a government by one power." This was impossible under the terms of the original agreement. Consequently Germany proposed a partition of the islands. Tutuila and its adjacent islets were to go to the United States; Great Britain and Germany were to divide the rest. Such a solution was welcomed by Hay. This finally was agreed to on November 14, 1899. The United States gained a fine harbour in Pago-Pago; and Germany lost a chance to include in the trade with Great Britain a bit of land in Africa and the possession of certain islands of the Gilbert and Solomon groups in the Pacific. The question of indemnities for losses endured by private citizens during the disturbances in Samoa was to be settled by the arbitration of the King of Norway and Sweden. Hay's comment on the whole matter was: "Our relations with Germany are perfectly civil and courteous. They are acting badly about our meats and cannot help bullying and swaggering. It is their nature. But we get on with them. We are on the best of terms about Samoa; Sternberg backed up Tripp in everything, so that, to our amazement, Germany and we arranged everything harmoniously." Later he wrote to Mr. Choate: "Germany,

it is true, has been excessively anxious to have the matter concluded before the Emperor's visit to England, and, in the intense anxiety, I am inclined to think that they have somewhat lost sight of their material interests in the case."

Such matters, however, were of small importance as compared with the formulation and adoption of the doctrine of the "open door" as applied to China. Here were involved not only the economic interests of untold millions of Chinese, but possibly their political future as well. The rivalries of European and Asiatic states impinged on ruthless spoliation and on war. The decadence of Chinese administration invited disaster for her political integrity. On all sides came the vultures to feast, as they thought, on the carcass of a moribund people. Soon these vultures would be fighting among themselves to determine their respective portions. Thus the scene was set for a veritable collapse of civilization unless some general agreement could be secured among the political adventurers who were gathering for plunder. Then it was that Hay succeeded in defining in fairly clear terms the American idea of the "open door" and won its acceptance in more or less grudging terms from the great European powers and from Japan.

Hay, of course, did not originate the idea of the "open door"; nor were its provisions entirely his own. He sponsored it and secured its acceptance at a critical moment in international relations, as regards China. It was at the time a temporary expedient; it was frequently violated thereafter; and it was never embodied in an American treaty until 1922. Yet in a popular sense Hay's fame as a diplomatist rests largely on the "open door";

and the average American thinks he is right in standing proudly for its principles as a doctrine laid down by Hay. The "open door" is little more Hay's doctrine than is the Monroe Doctrine really Monroe's. Such facts have long been familiar to close students of the matter. Now with fresh material, hitherto unpublished, it is possible to examine the situation anew.

China at this time was ruled by a foreign dynasty. The vigour and success that had marked the earlier history of these Manchu rulers were now exhausted. An experienced diplomatist in China wrote to his Government saying that the position of China was even more humiliating than it was after her easy defeat by Japan in 1894-1895. "It may, therefore, be said that the people of China would make no opposition to the partition of the Empire. They would welcome it, and would gladly transfer their allegiance to a European power. It is questionable, however, whether a partition would be for the benefit of the Western powers. Certainly England would lose by such absorption. She now controls the bulk of the trade with China, and under prohibitive duties and a restrictive policy she would undoubtedly lose much of it." The seizure of Kiaochow in Shantung by Germany, in November 1897, was a sign of the times. Soon Russia was likewise to force a lease of Port Arthur and Talienwan. Japan held Wei-hai-wei until the indemnity due her from China after the war was paid. France compelled an addition to the territory already held by her in the south. The British had gained an extension by lease of territory on the mainland near their island colony of Hong Kong. Soon Italy was to attempt a foothold, which China was to block, yet the scramble for territory and

concessions seemed to be in full swing. Small wonder that Lord Charles Beresford, who undertook a commercial mission for the British Associated Chambers of Commerce in 1898, called his bulky report "The Break-Up of China."

Already official speakers in Great Britain had declared that the Government was prepared, even at the cost of war, to maintain British commercial interests in China. Chamberlain said that the British purpose was "not the acquisition of new territory but the maintenance of free markets." In this connexion there was the question of whether Germany intended to follow an exclusive policy as to trade in Shantung or whether that region was to continue to be open to the trade of the world. Other questions of loans to China and of railway concessions were soon involved. Under such circumstances Minister Denby at Peking had written to Secretary Sherman as follows:

"While preserving all the sanctity of the [Washington] 'Farewell Address,' it is worth enquiring whether there is not some middle ground on which we may stand with advantage. Our interests in China are considerable. We have fifteen hundred missionaries here. . . . These missionaries are entitled to our protection just the same as mercantile people are. Partition [of China] would tend to destroy our markets. The Pacific Ocean is destined to bear on its bosom a larger commerce than the Atlantic. . . . Here are diverse and varied sources of interest in the Far East which directly touch us. . . . We have a certain moral influence in the affairs of the World, and in my opinion,

that influence should be exerted in all cases in which our interests demand its exercise. . . . We should not hesitate, also, I think, to announce our disapproval of acts of brazen wrong, and spoliation, perpetrated by other nations towards China—should any occur.”¹²

On March 1, 1898, the British House of Commons voted without division: “that it is of vital importance for British Commerce and Influence that the independence of Chinese territory should be maintained.” On March 8, as we have already noted, an attempt was made to sound out the Department of State regarding American policy as to China. This attempt to draw the United States into a joint declaration in support of the policy of the “open door” was at the time unsuccessful. Hay reported on March 25 that the British “seem to think there is an understanding between Russia, France, and Germany to exclude as far as possible, the trade of England and America from the Far East, and to divide and reduce China to a system of tributary provinces.”¹³ Towards the end of 1898 Lord Charles Beresford wrote to Hay, who was now Secretary of State: “As America has got over 50% of the import trade into the north of China, it is imperative for American interests as well as our own, that the policy of the ‘Open Door’ should be maintained. I have every hope that in the near future the suggested commercial Alliance between Great Britain and America with reference to the ‘Open Door’ in China may become an absolute fact.”¹⁴

Much of Beresford’s plan for the rehabilitation of China was unacceptable to the United States. But Hay was quick to see the desirability of showing that the

United States was alive to the danger of foreign aggression in China. His correspondence with Mr. Conger, who was now American minister at Peking, indicates that. Indeed, there were signs that there was a revival of the original policy of the United States towards China. This policy was defined by Secretary Webster in 1843 as requiring China not to grant greater privileges or commercial facilities to the subjects of any other government than were granted to American citizens. Thus in the notes dealing with the policy of the "open door," which were to be sent in the latter part of 1899, Hay followed the traditional policy of the United States. He received definite stimulus to this end by the overtures of Great Britain and of the British, and, as we shall see, the actual formulation of the doctrine was in part due to a memorandum drawn up, at Hay's request, by Mr. W. W. Rockhill on August 28, 1899.

Mr. Rockhill, who was at this time director of the Pan-American Union at Washington, but who was also a welcome unofficial expert on Far Eastern affairs for the Department of State, was regarded by Hay as one of the two ablest Americans in diplomatic matters. Mr. Henry White, at London, was the other. But Mr. Rockhill had an originality and a constructive ability that were significant. In this memorandum, from which only excerpts can be quoted, Mr. Rockhill argued as follows:

"To sum up then, we find today in China that the policy of the 'Open Door,' the untrammelled exercise of the rights insured to Treaty Powers by the Treaty of Tientsin, and other treaties copied on it or under the most favoured nation clause, is claimed by the

mercantile classes of the United States and other powers as essential to the healthy extension of trade in China. We see, on the other hand, that the political interests and the geographical relations of Great Britain, Russia, and France to China have forced those countries to divide up China proper into areas or spheres of interest (or influence) in which they enjoy special rights and privileges, the ultimate scope of which is not yet determined, and that at the same time Great Britain, in its desire not to sacrifice entirely its mercantile interests, is also endeavoring to preserve some of the undoubted benefits of the 'open door' policy, but 'spheres of influence' *are an accomplished fact*, this cannot be too much insisted upon. (This policy is outlined by Mr. Balfour in his Manchester speech of January 10, 1898.)

"Such being the condition of things, and in view of the probability of complications soon arising between the interested powers in China, whereby it will become difficult, if not impossible, for the United States to retain the rights guaranteed them by treaties with China, what should be our immediate policy? To this question there can, it seems, be but one answer, we should at once initiate negotiations to obtain from those powers who have acquired zones of interest in China formal assurance that (1.) they will in no way interfere within their so-called spheres of interest with any treaty port or with vested rights in it of any nature; (2.) that all ports they may open in their respective spheres shall either be free ports, or that the Chinese treaty tariff at the time in force shall apply to all merchandise landed or shipped, no matter to

what nationality belonging, and that the dues and duties provided for by treaty shall be collected by the Chinese Government; and (3.) that they will levy no higher harbor dues on vessels of other nationalities frequenting their ports in such spheres than shall be levied on their national vessels, and that they will also levy no higher railroad charges on merchandise belonging to or destined for subjects of other powers transported through their spheres than shall be levied on similar merchandise belonging to its own nationality.

"In other words, we should insist on absolute equality of treatment in the various zones, for equality of opportunity with the citizens of the favored powers we cannot hope to have, in view of the well known method now in vogue for securing privileges and concessions, though we should continually, by every proper means, seek to gain this also.

"Such understandings with the various Powers, and it is confidently believed that they could be reached at present, would secure an open market throughout China for our trade on terms of equality with all other foreigners, and would further remove dangerous sources of irritation and possible conflict between the contending powers, greatly tending to re-establish confidence, and prepare the way for concerted action by the Powers to bring about the reforms in Chinese administration and the strengthening of the Imperial Government, recognized on all sides as essential to the maintenance of peace."¹⁵

On September 6, 1899, just ten days after this Rockhill memorandum was dispatched from New York to

Washington, Hay started his notes to France, Germany, Great Britain, and Russia. Similar notes were addressed to Japan on November 13, and to Italy on November 17. The note to Mr. Choate in London read in part as follows. It was proposed as American policy that the "open door" as regards China should be maintained and Great Britain was invited to declare substantially:

"First. That it will in no wise interfere with any treaty port or any vested interest within any so-called 'sphere of interest' or leased territory it may have in China. Second. That the Chinese treaty tariff of the time being shall apply to all merchandise landed or shipped to all such ports as are within said 'sphere of interest' (unless they be 'free ports'), no matter to what nationality it may belong, and that duties so leviable shall be collected by the Chinese Government. Third. That it will levy no higher harbor dues on vessels of another nationality frequenting any port in such 'sphere' than shall be levied on vessels of its own nationality, and no higher railroad charges over lines built, controlled, or operated within its 'sphere' on merchandise belonging to citizens or subjects of other nationalities transported through such 'sphere' than shall be levied on similar merchandise belonging to its own nationals transported over equal distances."¹⁶

To this note Mr. Choate promptly cabled that Lord Salisbury was in full sympathy with Hay's proposals as to China and thought that it was an excellent move. Later, on October 14, Lord Salisbury replied that in view of the fact that territory recently leased near Hong Kong

was "an integral part of the colony" and that it stood on a "wholly different footing from a 'sphere of interest,'" he believed that "all mention of leased territory should be omitted from the proposed Declaration, which should be confined to spheres of interest."¹⁷ This difficulty was finally avoided by omitting all specific mention of the leased territory now administered as a part of Hong Kong and by including expressly the territory of Wei-hai-wei and all spheres of interest now belonging to Great Britain and all portions of Chinese territory that might hereafter be leased by Great Britain. Thus no room would be given to any other exceptions that might be urged by other powers, and no further extension of leases might be permitted that would not be subject to the proposed statement of policy.

It is impossible at present to follow the various steps in regard to the adoption of the "open door" policy by the other powers. Great Britain had been sceptical as to the adhesion of the other European states, and her consent was conditioned by the acceptance of the "open door" policy by their governments. Germany, France, Italy, and Japan did, however, accede to the proposal one by one. Thus Russia was the doubtful quantity. Count Muraviev had already said that Russia would do what France did, but later was inclined to modify his statement. Indeed he "flew into a passion," protesting that Russia never would bind itself in that fashion. A note dated December 30, 1899, and published in *Foreign Relations of the United States, 1899*, was the only written statement that Muraviev would make. Of this note, however, Count Cassini, Russian ambassador in Washington, wrote to Hay that he "had every reason to believe

that this response [Muraviev's note] is of a nature to satisfy you entirely." Cassini continued: "The response of the Imperial Government, precise, clear, and loyal, promises what it wishes and can maintain and the profound desire of Russia is sincerely to do all that is possible to cement the cordial relations which exist between our two countries."¹⁸

The response, however, did not go quite so far as Hay wished, yet he was careful not to risk a further rebuff by pressing the matter too keenly and decided to take the Russian reply as an acceptance of his original proposal and so announced it to the world. There was of course a chance that Russia might object. As he wrote to Mr. Henry White, if the Russians "choose to take a stand in opposition to the entire civilized world, we shall then make up our minds what to do about it. At present I am not bothering much." As Ambassador Tower in St. Petersburg wrote to Hay on February 12, 1900: "The truth is, that the Russian Government did not wish to answer your propositions at all. It did so finally with great reluctance, but it did so because of the desire upon its part to maintain the relations subsisting between the two countries, which it would not on any account disturb. It went a great way, as Russian diplomacy goes, when it put into writing the answer which you now have." Under the circumstances and in view of the adroit way in which Hay assumed the complete acceptance by Russia, which was so necessary to the completion of his diplomatic edifice, the congratulations of his predecessor in his office were welcome. Ex-Secretary Day wrote to Hay as follows: "'Peace hath her victories, no less renowned than War.' By moving at the right time and

in the right manner, you secured a diplomatic triumph in the 'open door in China' of the first importance to your country, and greatly to your personal credit and renown. Permit me to extend my warm congratulations."¹⁹

The negotiations relating to the "open door" were scarcely out of the way when the Boxer movement once more called the attention of the world to China. The Boxer rebellion was in reality a crude and cruel expression of Chinese nationalism seeking through bloodshed and torture to expel from China the threatening influence and aggression of all foreigners. It seemed hardly possible to many experts on Far Eastern affairs that such a movement could be popular in China or could be tolerated by the Manchu Court. Mr. Rockhill wrote to Hay, returning some dispatches from Peking: "I cannot believe that the 'Boxer' movement will be very long-lived or cause any serious complications. The day the Chinese authorities choose to put an end to it they can easily do so. I think they have now realized that they must act, and they will." Yet within three weeks the legations in Peking were besieged; communications with the outside world were cut off; and the Court party nominally in opposition to this rude outbreak was tacitly permitting outrages and attacks on foreigners in northern China.

Mr. Choate wrote from London that, after the relief of the legations, the chief danger would be that the United States would be drawn into the "schemes of the Continental Powers. The general desire here is that England should not be, so far as I can discover. But I cannot forget what Lord Salisbury once said to me in defining a 'sphere of influence,' that it was a sort of 'ear

mark' upon territory which in case of a break up England did not wish any other power to have."²⁰ With the purpose of localizing the disturbances in China, Great Britain and France joined the United States in stating that, as long as the local authorities in central and southern China maintained order and protected foreigners, no orders would be given foreign forces to attack in the provinces of these regions. At the same time the various powers made haste to try to secure the relief of the legations. Hay cabled to Minister Buck in Tokyo that twenty-five hundred American troops were bound for China. "Their duty will be act concurrently with the forces of other powers in the protection of the lives of American officials and other citizens and all American interests. They have no instructions on the subject of any political combinations or any scheme for the future Government of China."²¹ Thus the Government acted promptly to try to provide for the security of the lives and property of American citizens in China.

A lengthy cable was sent to Mr. Choate, July 4, 1900, defining the purposes and policy of the United States. A similar note also was sent to other powers. This included the following statement: "The policy of the Government of the United States is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed to friendly powers by treaty and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire." The fact that Japan, with the agreement of the powers, had dispatched a large expeditionary force to China was, however, soon the subject

of discussion among the chancelleries of the interested states; but it is impossible to detail these diplomatic exchanges at present.

The main question at the time was to relieve the legations and to ascertain whether the ministers at Peking had been massacred. Finally, in mid-July, a message was received from the Emperor of China and a mutilated cipher cable from Mr. Conger. This seemed to indicate that the ministers were alive on July 17; but Lord Salisbury threw doubt on the authenticity of both messages. Hay, however, was inclined to accept both messages as true. He wrote to President McKinley, on July 29, 1900, recounting a conversation with Wu-Ting-Fang, Chinese minister at Washington, in which the principal demand was that full and free communication should be established with the legations at Peking. Hay reported that Mr. Wu was "greatly perturbed in spirit, but seems to be acting squarely with us. He admits there are many things he can not explain. He does not attempt to account for the silence of the Legations, but believes the Ministers, except Ketteler [German minister at Peking], are alive."²²

As the relieving forces made their way to Peking, the diplomatic element waited anxiously. Even Mr. Adey, who was usually so cheerful and serene, commented to Hay, who had left Washington for Newbury: "God! what a strain this suspense is!" Then he quickly added: "Don't worry." On August 16, Peking was entered by the combined forces, and the siege was over. The Court had meantime fled into the interior. The problem was to discover an authority in China with whom to negotiate. The German Government, for example, maintained

that there was no authoritative government in China. Mr. Rockhill had been sent to China by Hay as a commissioner to supplement Mr. Conger, the minister. But with whom was he to negotiate? Count von Waldersee of Germany had been accepted as commander of the foreign forces; but with whom was he to fight and where? Meantime foolish press-reporters had arranged a mare's nest to the effect that Hay had retired to the country because he disagreed with the policy of the Administration as to China; whereas he was kept in daily, almost hourly, touch with the Department of State by Mr. Adee, who acted as Hay's watch-dog and was ever efficient and adequate. Secretary Root jokingly commented on the nonsense that was clogging the press by writing to Hay: "How will you swap a murdered Old English alliance for a nice, new, clean Russian article painted yellow? I hope you take the frustration of your hellish designs with complacency and are recovering your appetite for New Hampshire farms. It appears that diplomacy as viewed from the opposition American stand point has but two phases. If we agree with any other power on any subject there is a secret alliance; if we disagree there is a conspiracy to get up a war and foster [foist?] a soldier on the back of every American laborer."²³

The situation was serious enough, however, as can be gathered from a letter of September 14 from Hay to Mr. Adee: "The dilemma is clear enough. We want to get out at the earliest possible moment. We do not want to have the appearance of being forced out or frightened out, and we must not lose our proper influence in the final arrangements. . . . There is, therefore, not a

single power we can rely on, for our policy of abstention from plunder and the Open Door." Having marched to Peking the problem was how to get away and at the same time avoid the danger of appearing to scuttle out. The conclusion was to hold our forces for a little longer in Peking. Furthermore, the punishment of leading Chinese concerned in the Boxer movement was a difficult one. Mr. Adee saw the point when he wrote to Hay: "The devil of the matter is that Germany's proposal to demand the surrender of the criminal leaders to the Powers for punishment by the Powers upsets much of what we are doing and endeavoring to do. No Punishment can be effective toward a permanent settlement which is not decreed and carried out by the Emperor [of China]. For Waldersee to hang or shoot Tuan [a military leader] would make Tuan a demi-god to the Chinese. It is the Imperial degradation that tells—making the offender *anathema maranatha*."²⁴

Finally Prince Ching and Earl Li Hung Chang were appointed plenipotentiaries on the part of the Emperor. Mr. Rockhill, for the United States, took over these negotiations for a settlement, which dragged interminably, while von Waldersee organized a punitive expedition to coerce the Chinese. In the negotiations Hay was of course most anxiously concerned, but to trace the details of such matters from the dispatches is not now feasible. Gradually, however, it was possible for the United States to reduce the demands of the powers to a common factor and to persuade the ministers at Peking that they must be satisfied with what was possible and obtainable. The Chinese Government finally accepted the terms for punishment, the payment of an indemnity, and the amend-

ment of existing treaties of commerce. Hay, therefore, proposed that the negotiations for the indemnities and the commercial treaties should be transferred, possibly to Washington. In this he was blocked by the desires of Germany and Japan, who wished to continue negotiations at Peking. To Hay's mind, haste was the main element in the situation, for he feared lest at any moment the concert of the powers with regard to China might be broken. So seriously did Hay regard the condition of affairs that he drafted a message to China saying that he desired to express the view of the United States as to "the impropriety, inexpediency, and even extreme danger to the interests of China of considering any private territorial or financial arrangements, at least without the full knowledge and approval of all the Powers now engaged in negotiation." This was to serve as a warning of "Hands off" both to China and to the powers.

Russia had negotiated an agreement with China that practically placed Russia at least in temporary control of Manchuria. The excuse given was that because of untimely interference from without she was unable to withdraw from Manchuria, however greatly she might wish to do so. This Manchurian Convention was nevertheless not signed at the time by the Chinese, who at the last moment refused to hand over the control of that rich province to Russia. Yet Russia persisted in her demands for rich concessions in Manchuria. Meanwhile the negotiations for the amendment of the commercial treaties waited while the almost endless bargainings concerning the payment of indemnities continued.

Indeed, from a documentary point of view the activity of the United States in Far Eastern affairs during these

years is remarkable. There is a large amount of material here for the student. In 1901 and 1902, in addition to the negotiations relating to indemnities, commercial treaties, and the military evacuation of China by the powers, there is also abundant record of the stand that we took regarding Russian plans to acquire a firm control in Manchuria. As Hay said to the Chinese Government: "We have steadily kept in sight and used all our influence in maintaining the territorial integrity of China, the restoration of peaceful and orderly government, and the freedom of impartial access to commerce, objects to which all the principal nations of the earth are solemnly pledged." Mr. Rockhill also suggested, in February 1902, that the United States should formally, "emphatically, and categorically" protest against "signing of an agreement between the Chinese Government and the Russo-Chinese Bank, practically granting to the latter a monopoly of industrial development in Manchuria."²⁵

The news that Great Britain and Japan had signed a defensive alliance in February was, therefore, of interest, for it presaged the time when Japan would try the gamble of war with Russia. However, Mr. Conger and Mr. Buck were alone among American diplomats in looking at the treaty as a preparation by Japan for war. The United States, of course, stood entirely apart from such negotiations. As Hay wrote to Roosevelt: "We are not in any attitude of hostility toward Russia in Manchuria. On the contrary, we recognize her exceptional position in northern China. What we have been working for two years to accomplish, and we have at last accomplished, if assurances are to count for anything, is that, no matter what happens eventually in northern China and

Manchuria, the United States shall not be placed in any worse position than while the country was under the unquestioned domination of China.”²⁶ Of course Hay was well aware of the mendacity of Russia as regards China; but he was concerned chiefly in trying to hold Russia to the principle of the “open door.” Thus it was with real satisfaction that a message was received from Mr. Conger, September 26, 1902, saying that the Russians had commenced evacuating Manchuria and that according to agreement the region up to the Liao River would be evacuated by October 8. Mr. Adees’s comment on the message recalls Kipling’s verses as to the “Bear that walks like a man,” for he wrote: “Adam Zad seems to be getting a move on him.” The indemnity question had been settled and the commercial treaty was finally signed on October 8, 1903. Thus we turn now to questions lying in a new field. These were at first to involve Hay in sharp conflict with the Senate.

CHAPTER III

THE CANAL TREATIES, PANAMA, AND THE ALASKA BOUNDARY

DURING these years, 1899–1902, the cordial relations between the United States and Great Britain were subjected to some strain by the popular sympathy aroused in the United States in favour of the two Boer Republics of South Africa, which were engaged in war with Great Britain. This popular sympathy did not, however, interfere with the correct neutrality of the United States. When, in March 1900, the United States was requested by the South African Republics to intervene to secure a cessation of hostilities, Great Britain was promptly informed of the request and of the willingness of the President “to aid in any friendly manner to promote so happy a result.” The British promptly explained that they could not “accept the intervention of any other power.” Later, when a Boer commission visited America and was received by the President and Secretary of State, the courteous reply of the Secretary showed that intervention without the assent of Great Britain was impossible.

It was, indeed, important to the United States that relations between the two Governments should continue excellent, for, aside from accord as to the Far East, the annoying and wearisome negotiations relating to the Alaskan boundary dispute, friction as to the blockade of Venezuela by European navies, and a variety of other

matters tended to hamper the main purpose of American diplomacy during these years. That purpose was the construction of a canal between the Atlantic and the Pacific. Across the negotiations to that end there came frequently the charge that in some way or other Hay had already committed the United States to an "understanding," if not to a secret alliance with Great Britain. A most careful search of all available records for the period supports the public and private statements of Hay that no such alliance existed except perhaps as "a dream for the future." There is no evidence to support the theory of an "understanding" in the diplomatic sense, no record of any conversations regarding such an agreement. But it is unquestionably true that in the mind of Hay there was a lively appreciation of the value of cordial relations with Great Britain. There is a mass of evidence to that effect, but the advantage of such friendship was always, in Hay's mind, on the side of the United States. He worked to promote the strength and power of America. As the general European diplomatic situation revealed itself to him, as the closely coiled and sensitive bands of world politics became clearer to his vision, he tried honestly to profit for the United States by the general condition of affairs, and he believed in cordial Anglo-American relations. Naturally he was attacked time and again as an Anglophil. The story of such attacks need not detain us, for we must now turn to the preliminaries of the construction of the canal.

Hay had already sounded the British Government regarding the abrogation of the Clayton-Bulwer Treaty in December 1898. A full year was to go by, however, before the matter was again taken up; and once more the

endeavour was made to relate Canadian disputes to the settlement of the canal problems. Finally, in February 1900, the proposals of the United States for a new treaty seemed to be acceptable to Great Britain. Senator Stewart wrote Hay a congratulatory letter saying:

“A canal connecting the two oceans, constructed, controlled and maintained by the United States and free to all nations, which will assist in maintaining its neutrality, will join and consolidate the entire coast trade of the United States and make our two navies one. It will also open the boundless resources in trade and commerce of the Pacific Ocean to the Atlantic as well as to the Pacific States. The provisions of your treaty will relieve the United States of the enormous burden of defending the canal against foreign nations, which, if the United States undertook to exercise arbitrary control and enjoy special privileges, would cost in the near future more than the construction of the canal.”²⁷

Such praise, however, was not general in the Senate. Opinion gradually shifted in the direction viewed by Governor Roosevelt, who wrote privately to Hay:

“. . . To my mind this step is one backward, and it may be fraught with very great mischief. You have been the greatest Secretary of State I have seen in my time—Olney comes second—but at this moment I can not, try as I may, see that you are right. Understand me, when the treaty is adopted, as I suppose it will be, I shall put the best face possible on it, and shall

back the administration as heartily as ever; but oh how I wish you and the President would drop the treaty and push through a bill to build *and fortify* our own canal!

“My objections are two-fold. First as to naval policy. If the proposed canal had been in existence in '98, the *Oregon* could have come more quickly through to the Atlantic; but this fact would have been far outweighed by the fact that Cervera's fleet would have had open to it the chance of itself going through the canal, and thence sailing to attack Dewey or to menace our stripped Pacific coast. If that canal is open to the war ships of an enemy it is a menace to us in time of war; it is an added burden, an additional strategic point to be guarded by our fleet. If fortified by us, it becomes one of the most potent sources of our possible sea strength. Unless it is fortified it strengthens against us every nation whose fleet is larger than ours. One prime reason for fortifying our great seaports is to unfetter our fleet, to release it for offensive purposes; and the proposed canal would fetter it again, for our fleet would have to watch it, and therefore do the work which a fort should do; and which it could do better.

“Secondly, as to the Monroe Doctrine. If we invite foreign powers to a joint ownership, a joint guarantee, of what so vitally concerns us but a little way from our borders, how can we possibly object to similar action say in Southern Brazil or Argentine, where our interests are so much less evident? If Germany has the same right we have in the canal across Central America, why not in the partition of any part of

Northern America? To my mind, we should consistently refuse to all European powers the right to control, in any shape, any territory in the Western Hemisphere which they do not already hold.

"As for existing treaties—I do not admit the 'dead hand' of the treaty-making power in the past. A treaty can always be honorably abrogated—though it must never be abrogated in dishonest fashion."

By April the campaign against the acceptance of this new convention was in full swing. Hay unfortunately felt this keenly. His correspondence teems with attacks on the Senate. For example, he wrote to Mr. Richard Watson Gilder: "I need all the help and comfort I can get from the apostles of sweetness and light, for verily I am in deep waters these days. Matters have come to such a pass with the Senate that it seems absolutely impossible to do business. I do not believe that any treaty will ever pass the Senate constituted as it now is, if it relates to a subject about which there can be any discussion whatever. The fact that a treaty gives to this country a great, lasting advantage, seems to weigh nothing whatever in the minds of about half the Senators. Personal interests, personal spites, and a contingent chance of a petty political advantage are the only motives that cut any ice at present."²⁸ Already Hay had tried to resign his office, but President McKinley had refused to listen to him and had added warm words of praise.

Finally, on December 20, 1900, the Senate ratified the treaty in a mutilated and amended form. Hay wrote to Choate:

“This Convention was prepared wholly by us, without solicitation on the part of Great Britain. It was altogether to our advantage, and was accepted by Lord Salisbury, in a spirit of generous goodwill, without the change of a word. When I say it was altogether to our advantage, I do not mean that it was to the disadvantage of Great Britain or of any other nation. It was in the very nature of things, that although the canal would greatly benefit the people of this country and supply a great national need, it would also be a benefaction to the world at large; and therefore the Convention, which got rid of everything in the Clayton-Bulwer Treaty which prohibited the independent action of the U.S. in building the Canal would be to the advantage of the whole commercial world.”²⁹

The next day, December 22, Hay wrote officially summarizing the changes in the convention. He pointed out that the clause forbidding fortification remained intact, as well as the provisions for neutrality. But he pointed out:

“1. After the words ‘Clayton-Bulwer Convention’ and before the word ‘adopt’ in the preamble of Article II the words ‘*which convention is hereby superseded*’ are inserted.

“2. A new paragraph is added to the end of section 5 of Article II, in the following language:—

“‘It is agreed, however, that none of the immediately foregoing conditions and stipulations in sections numbered one, two, three, four, and five of this article

shall apply to measures which the United States may find it necessary to take for securing by its own forces the defence of the United States and the maintenance of public order.'

"3. Article III, reading:—

"‘The High Contracting Parties will, immediately upon the exchange of the ratifications of this Convention, bring it to the notice of the other Powers and invite them to adhere to it,’ is stricken out.

"Article IV is made Article III."³⁰

The British Government declined to accept the convention in this amended form, and by April 1901 Mr. Adey was at work drafting a new canal convention. In August Lord Lansdowne, the British Foreign Secretary, transmitted his suggestions. Hay also wrote to Mr. Choate saying:

"I have received with real interest and entire approval what you have to say about our project of a Canal Treaty. Your 'ideal' as expressed in the third page of your letter, is mine also—but we must work with the tools we have. There are several matters of detail in the *projet* which might be improved, if we were working *in vacuo*, but I thought it desirable to introduce as few changes as possible into the form which had already received the approval of the Senate. The project, as I sent it to you, had been gone over, word by word, with Senator Foraker, and its provisions had been discussed and approved, in general terms by Cul-
lom, Frye, Lodge, Fairbanks, Spooner, and other leading Senators. I have been told by them and by some of

the Democrats that such a Treaty, if accepted by Great Britain, will pass the Senate. I am not over sanguine as to this. Three years of struggle with the unreason, the spite and the narrow minded greed of some of our Senators have left me no room for optimism. The two men who gave me the heartiest assurances of support for the original treaty were Davis and Lodge; a few newspaper articles changed their minds entirely, or if not their minds, their action. Many Senators tell me that of course it is important to preserve honorable and even friendly relations with England; but not a man Jack of them will say it in the Senate now that Wolcott's gone. I do not know that I can blame them; the breath of their lives is popularity, and it is always, for the moment, amusing to blather away at England."

For a number of weeks the exchange continued; and the cordial goodwill shown by the British was matched by the delight of President Roosevelt. Hay wrote to the new President on October 24, 1901: "The Isthmian Canal Treaty is all right. The only change the British Government suggests is to strike out their own amendment to our Article IV, which has been done."³¹ Thus the new treaty when transmitted to the Senate, in December 1901, contained provisions that would enable the United States to "construct, maintain, and control" a canal from the Atlantic to the Pacific open to the commerce of all nations. This was quickly ratified.

Throughout these months Hay had been subjected to a severe strain. His annoyance at the practical defeat of his first plan for a canal treaty had been plain. In 1901 the tragic death of his older son, Adelbert, the

assassination of President McKinley, and, at the end of the year, the deaths of Clarence King and John Nicolay, both intimate friends, had been terrific blows. He had expected to retire from his position when Vice President Roosevelt succeeded President McKinley; but immediately on his arrival in Washington after the tragedy at Buffalo in September 1901, President Roosevelt had made it clear that Hay was to continue as Secretary of State. He therefore plunged into the difficult task of negotiations regarding the choice of a route for the canal.

There were two possible routes: one across Nicaragua and the shorter one across the Isthmus of Panama. If the decision should be made to negotiate for the Panama route, Colombia would have to be sounded. Mr. Hart, United States minister at Bogotá, therefore, reported, on February 24, 1900, a conversation with the Colombian Foreign Secretary, who said that his "Government had not supposed for a moment that the Government of the United States has any designs whatever upon the Isthmus of Panama, or upon any other part of Colombian territory, but that evil disposed persons hostile to the present Government of Colombia, had not hesitated, and would not hesitate, to invent anything that might seem to serve their purpose." Such comments suggested that the Colombians, even at this early date, had thought of the possibility of a *coup de main* to secure American claims to dig the canal at Panama. Later, even Chile took futile counsel as to what should be done in such an event. And in 1903 the King of Italy remarked to an American: "I should think your President would send a fleet down there and take possession of the Isthmus. It

would create an excitement for a week, but then all would be over and in the end it would be a benefit to the whole world." Instead of such rough tactics the United States pursued the long and tedious ways of diplomacy, until finally the situation became intolerable. Then President Roosevelt acted.

Indeed, for a long time it seemed certain that the canal would be dug across Nicaragua. At last, in April 1902, Hay had to report that he had "not yet been able to get a firm offer from the Government of Nicaragua." Gradually opinion shifted in favour of Panama. The new French Panama Canal Company, which had acquired the rights of the older de Lesseps company, began to make a strong bid for the chance to sell out to the United States. In January 1902 they offered to do so for forty million dollars. The Colombian Government declared, however, that the Canal Company must make an agreement with them before disposing of their concession to the United States. Furthermore, a number of conditions were laid down by Colombia. To these Hay telegraphed to Mr. Hart, March 18, 1902: "The terms are entirely inadmissible."

Thus it became apparent, as Hay wrote to Senator Morgan, that "the principal difficulty in the case is this, that both in Colombia and in Nicaragua great ignorance exists as to the attitude of the United States. In both countries it is believed that their route is the only one possible or practicable and that the Government of the United States in the last resort will accept any terms they choose to demand." Hay commented in conversation with a friend regarding the slow progress of these negotiations: "Talking with those fellows

from down there, Bishop, is like holding a squirrel in your lap and trying to keep up the conversation."

Finally the Spooner Bill passed Congress, and President Roosevelt signed it on June 28, 1902. This bill authorized the purchase of the rights and property of the Panama Canal Company, the acquisition of a strip of territory and the rights across Panama, from Colombia, and, when this was done and the title was clear, the digging and operation of a canal. If the title was not clear, the President was authorized to deal with Nicaragua in order to permit the digging of the canal through its territory.

On July 1, 1902 President Roosevelt wrote to Hay: "The great bit of work of my administration, and from the material and constructive standpoint one of the greatest bits of work that the twentieth century will see, is the Isthmian Canal. In the negotiations to start this straight I must trust to you and Knox. I hope you will take personal direction."³²

Unfortunately, Colombia was represented at Washington by a man who was temperamentally unfitted for the negotiation of a great international agreement of this sort. Minister Concha was an unhappy accident at the outset. Thus in November 1902 Hay was obliged to cable to Bogotá that negotiations were at a standstill, for Mr. Concha refused to sign the treaty despite all the American concessions. "The President will be compelled to consider seriously what is next to be done." Minister Concha was, therefore, promptly recalled by his own Government and "was taken aboard the ship in New York in a straight jacket." His successor, Dr. Herrán, was of a different type. With him was finally signed

the Hay-Herrán Convention on January 22, 1903. This was ratified by the Senate at Washington on March 17. There followed long delays at Bogotá, which culminated in the flat refusal of the Colombian Congress to accept the document. The news was certainly disheartening to Hay. He wrote to the President on August 16, 1903: "I would come at once to Oyster Bay to get your orders, but I am sure there is nothing to be done, for the moment. You will, before our Congress meets, make up your mind which of the two courses you will take; the simple, easy Nicaragua solution, or the far more difficult and multifurcate scheme, of building the Panama Canal *malgré* Bogotá."³³ Nevertheless, as a last chance, negotiations were kept up. But Colombia put forward new demands and tried as well to secure payments from the Panama Canal Company. The situation became worse as September dragged on.

Finally Hay again wrote to the President a letter which deserves careful study.

"There is a question whether we ought 1. To save time and to dissipate any uncertainty about our position, say to Colombia that we will not for a moment consider the propositions they are now discussing; or 2. Say nothing and let them go on making fools of themselves until you are ready to act on some other basis.

"It is now perfectly clear that in the present state of Colombian politics we cannot now, nor for some time to come, make a satisfactory treaty with Colombia.

"It is altogether likely that there will be an insurrection on the Isthmus against that government of

folly and graft that now rules at Bogotá. It is for you to decide whether you will (1) wait the result of that moment, or (2) take a hand in rescuing the Isthmus from anarchy, or (3) treat with Nicaragua.

"Something we shall be forced to do in case of a serious insurrectionary movement in Panama, to keep the transit clear. Our intervention should not be at haphazard, nor, this time, should it be to the profit, as heretofore, of Bogotá. I venture to suggest that you let your mind play about the subject for two or three weeks before finally deciding. For my part, I think nothing can be lost, and something may be gained, by awaiting developments for a while."³⁴

Already there were rumours that an insurrection was due in Panama. September 22 was mentioned as the day; but nothing happened. Meantime President Roosevelt had written to Hay: "At present I feel there are two alternatives. First, to take up Nicaragua; second, in some shape or way to interfere when it becomes necessary so as to secure the Panama route without dealing with the foolish and homicidal corruptionists in Bogota. I am not inclined to have any further dealings whatever with these Bogota people."³⁵ Later, on October 10, 1903, President Roosevelt wrote to Dr. Albert Shaw: "I cast aside the proposition made at this time to foment the secession of Panama. Whatever other governments can do, the United States can not go into the securing by such underhand means, the cession. Privately, I can freely say to you that I should be delighted if Panama were an independent State, or if it made itself so at this moment; but for me to say so publicly would amount

to an instigation of a revolt, and therefore I can not say it."

The talk about the restoration of the independence of Panama had been common during the summer. If the treaty was rejected by Colombia, the Panama representatives in the Colombian Congress were imbued with the idea of a revolution to free themselves from Colombia. On October 21 a dispatch from Bogotá read: "There is no disguising the alarm existing as to the possible action of the Government of the United States should the feeling of dissatisfaction undoubtedly existing in the department of Panama find expression in overt acts." The fear was lest the United States should interfere under the treaty of 1846, which gave her the right to maintain free and uninterrupted transit across the Isthmus in case of disorder. On October 15 and 16 the President received from the Navy and Army information that led him to believe that an insurrection was at hand in the region of the Isthmus. The decision had to be made whether the United States should be prepared to enforce her treaty rights as to the freedom of transit across Panama. On October 19 orders were given that three ships should proceed to ports convenient to the Isthmus. The *Nashville* was also in the neighbourhood.

Meantime a revolutionary conspirator had arrived in New York from Panama. Dr. Amador was in communication with Mr. Nelson Cromwell, who was acting as counsel for the Panama Canal Company. He had not received any direct assistance, however, from him and was in despair over the failure of Mr. Cromwell to introduce him to people of the Government of the United

States, from whom he had hoped to receive assistance and guidance. There was also a Mr. Gabriel Duque, who wrote directly to Secretary Hay from Panama, in terms sometimes amusing and usually interesting. A letter from him to Hay, of September 21, said: "The feeling here is very intense for the independence of this Isthmus to be entitled the Panama Republic but I cannot see where a leader is to be had; neither the funds necessary to carry on a conflict should the Revolutionists succeed in buying the military officers."³⁶ Naturally, Hay did not reply to such a letter.

Then, in September 1903, there arrived in New York Mr. Bunau-Varilla, the French president of the Panama Canal Company. By a series of deductions, of lucky coincidences, and by his determination to try to save the situation Mr. Bunau-Varilla emerges, if we may believe his own account of his activities during the course of the next two months, as the author and prestidigitator of the revolution that took place at Panama on November 3, 1903. In this sketch of Hay's career we must omit much that is pertinent to the whole story of the way in which the revolution was planned and of the way in which Mr. Bunau-Varilla triumphed in the end. His correspondence with Hay and that of others among the conspirators are often amusing. This is not the time to do justice to their Gallic frenzy or to the truly Latin way in which everything worked out correctly at the end. President Roosevelt wrote of him to Mr. John Bigelow: "Of course I have no idea what Bunau-Varilla advised the revolutionists, or what he said in any telegrams to them as to Hay or myself; but I do know, of course, that he had no assurances in any way, either

from Hay or myself, or from anyone authorized to speak for us. He is a very able fellow, and it was his business to find out what he thought our Government would do. I have no doubt that he was able to make a very accurate guess, and to advise his people accordingly. In fact, he would have been a very dull man had he not been able to make such a guess."³⁷ The matchless rhapsody came, however, when Mr. Bunau-Varilla received from Hay a copy of Richard Harding Davis's story of *Captain Macklin*, that soldier of fortune operating in Central America. Mr. Bunau-Varilla took from that interview with Hay "an emotion which will never be effaced from my heart." "*Le Capitaine Macklin*," therefore, became the "subtle bond, the password, exchanged between Mr. Hay and myself." Later, however, he declares emphatically that the United States was not in any way involved in his plans for the revolution. His information as to the movements of American naval vessels was derived from the daily press. He guessed right even before President Roosevelt had made up his mind, before John Bassett Moore had been called in by President Roosevelt to advise him as to the possible rights of the United States, even before Mr. Bunau-Varilla had left Paris. It was indeed a lucky guess, but based on hard study and a knowledge of men and affairs.

Hay was kept more or less informed by his correspondent Mr. Duque of the course of events at Panama. Finally there came a telegram to Hay: "Isthmus independence proclaimed without bloodshed. Canal Treaty saved." This was signed "Amador" and was received November 3, twenty-four hours before the Republic of Panama was actually proclaimed. On November 6, 1903

the independence of Panama was recognized. On November 18, the Canal Treaty was signed in Washington by Hay and Mr. Bunau-Varilla, acting for the Panama Republic. The violent storm of criticism that followed these events cannot detain us at present. The tedious negotiations were over; the action of President Roosevelt, who was advised by Hay and by Professor John Bassett Moore, was decisive; and, as the result, the canal was finally dug.

The difficulties regarding Panama coincided to a certain extent with those arising from the attempt to adjust the boundary dispute as to Alaska. We have already seen the dead-lock that resulted from the failure of the Anglo-American joint commission to settle the various questions that involved both the United States and Canada. A *modus vivendi* was provided as to the disputed boundary, but that was merely temporary. The final settlement of the Alaska boundary was secured in October 1903, and the negotiations leading to it now require attention. Hay had proposed a plan for a judicial examination of the question by six jurists, three British (including a Canadian) and three American. He had rejected ordinary arbitration, "the besetting sin of which is to split the difference," for he was convinced that a fair interpretation of the line drawn in 1825 by Great Britain and Russia would give complete satisfaction to the United States. Until recent years that line had stood unquestioned. Now, with the discovery of gold in Alaska, the Canadians were trying to secure a new boundary line that would give them access to the sea. President Roosevelt's advice to Mr. Choate early in 1902 had been to "let sleeping dogs lie." However, in June Sir Wilfrid Laurier and Lord Minto,

who were in London for the coronation, wished to discuss the whole matter with Mr. Choate, who cabled home for instructions. He was told: "The President directs me to say to have the interview with Lord Minto and Sir Wilfrid but thinks the Canadian claim has not a leg to stand on and that compromise is impossible."³⁸

As the result of two conversations with Sir Wilfrid Laurier Mr. Choate reported that the general result was disappointing, but that the Canadians were anxious to settle the matter; they might agree to Hay's proposed method of settlement, and they did not really want either Skagway or Dyea. Hay on learning also that Lord Lansdowne, who was now British Foreign Secretary, wished to discuss the matter with Mr. Choate, wrote to President Roosevelt asking for instructions. These led to a renewal of discussions, with the result that in January 1903 a treaty was signed by Hay and Sir Michael Herbert, who had succeeded Lord Pauncefoot as British ambassador at Washington. It was substantially the same treaty that Hay had proposed three years before.

President Roosevelt, therefore, proposed as the American jurists Senators Lodge and Turner and Mr. Root, who was soon to retire from the Cabinet. Whereupon Sir Wilfrid Laurier at once wrote to Hay, privately, saying: "I appeal to you that these three gentlemen under existing circumstances, cannot with any fairness be styled 'impartial jurists.'" Hay replied that even yet he was unable to say who the Americans would be and that he had done his best to secure the appointment of some of the highest American judges. They, however, had refused to serve "on the ground that the office was a quasi-diplomatic employment." But Hay was vigorous in his

defence of the proposed American representation. Thus the tribunal was finally completed by the appointment of two Canadians and of Lord Alverstone, the Lord Chief Justice of Great Britain. This last appointment led Hay to comment: "Everything now depends on whether Lord Alverstone goes on the Bench with an imperative mandate or not. If he goes there with an open mind, we consider our case won."

A hitch threatened when the British proposed a delay in the meeting of the tribunal, which was to have met on September 3. Against this Mr. Choate vigorously protested. As he privately said: "I can't stand their dawdling and I am very glad that we succeeded at last in stirring them up." Some Americans were, indeed, also stirred up when President Roosevelt let it be privately and confidentially known that failing a decision, he "should ask Congress at its next meeting to make an appropriation to enable me to run the line on our own theory." He had said much the same thing to Mr. Choate in June 1903; and he wrote Judge Holmes, who was then in England, that if this tribunal did not come to a decision, he proposed "to run the boundary on my own hook." Such remarks when carefully intimated to the British may have had some effect in persuading them that there were worse things than irritating the Canadians.

On October 20, 1903 Mr. Choate reported that the decision was in favour of the United States, Lord Alverstone voting with the American members. He added to Hay:

"Our main contention that the *lisière* goes round the inlets and not across them has been absolutely

established. Pease and Wales Islands are held to be British property, and in the actual definition of the line between the point where it touches the 56th. Parallel, and the 141st. Meridian, considerable land within our traditional and nominal boundary as shown on the old maps has fallen to Canada. I regard the result as highly satisfactory both in the actual outcome of the decision and as establishing a precedent for the nations settling their differences without calling in the neighbours. I congratulate you most heartily on the event of the commission and only regret that Sir Michael Herbert is not here to share in the gratification which you must feel.

“Our Commissioners, agent and counsel are entitled to the highest possible praise for the manner in which they have performed their duties. They have all done their very best, and the dignity and courage of Lord Alverstone’s conduct must be fully appreciated by the President. On Wednesday last, when there seemed to be a tendency to a dead-lock between the Commissioners, I had an interview with Lord Lansdowne in which I pressed upon him very urgently the views of the President as expressed by him in our interview in June. . . . The upshot of our conversation was that the Commissioners all four of them must agree on the drawing of the line, and that if necessary we might ourselves agree on what would be a satisfactory line, and perhaps if necessary advise the Commissioners what we thought. But in view of the result so happily attained this part of the conversation is no longer important. I left satisfied that he and Mr. Balfour would, if they had not already done

so, tell Lord Alverstone what they thought as to the necessity of agreeing upon that line, and that the present chance of settling the controversy ought not to be lost."³⁹

Thus the Alaska boundary was settled.

CHAPTER IV

VENEZUELA, TURKEY, AND THE FAR EAST

WE must now go back to pick up the thread of narrative, which was in part discarded in the last chapter, in order to deal briefly with three phases of our foreign policy each of which brought us into temporary disagreement with other nations. The situation that developed in Venezuela threatened our friendly relations with Germany. Our long-continued disputes with Turkey and an attack on an American consular officer at Beirut required the dispatch of a naval squadron to Turkish waters. In the Far East the situation in China and Korea, the advance of Russia in Manchuria, and the outbreak of war between Japan and Russia, in 1904, all compelled the lively attention of the Department of State. Finally the Peace of Portsmouth, which was signed after Hay's death, in 1905, was in great measure due to American efforts.

Venezuela had a bad habit of not meeting her international obligations. Under President Castro, an unscrupulous dictator, there were frequent incidents that embittered and entangled the situation. Revolutionists who attempted to stand against his murderous power were sharply dealt with. In the course of one of these periodical attempts to uproot his power, when a blockade had been declared by the Venezuela Government of several of their own ports, which were temporarily

held by revolutionary forces, the German cruiser *Panther* disregarded this blockade and landed German mails and German passengers within the prohibited area. Furthermore, the German Government took counsel with Great Britain regarding certain financial claims which both German and British citizens had against Venezuela, but which they had not been able to collect. The result was an agreement by Great Britain and Germany to enforce a blockade of the Venezuelan coast.

This so angered President Castro that he promptly ordered the arrest of all British and German citizens in Caracas. The United States minister there, Mr. Bowen, had been requested to act for the ministers of Great Britain and Germany in Venezuela; and he made efforts to secure the release of the prisoners. This was on December 9, 1902. Three days later Venezuela requested the United States to propose to Germany and Great Britain that the manner of settlement of claims by their citizens should be submitted to arbitration. In the meantime the assembly of German warships on the coast of South America had not gone unnoticed in the press and at Washington. Public opinion was sensitive as to the Monroe Doctrine, and President Roosevelt was determined that, despite the undoubted wrongs which had been committed by President Castro, there should be no chance that, in the course of the blockade and in the settlement, Germany or Great Britain should occupy, even temporarily, any Venezuelan territory. This was due, not only to strong American sentiment, but to the practical recent experience of China. For in 1897 Germany had forced China to lease to her the region about Kiaochow Bay for ninety-nine years. The Ger-

man flag was flying in China as the result of this "temporary" occupation by German marines.

The fact that Great Britain was bound by agreement with Germany to maintain a so-called pacific blockade of Venezuela did not interfere with the action of the Department of State. Inquiries in London led to the following personal and confidential cable from Mr. Henry White, American chargé, to Hay:

"I am inclined to think whole Venezuelan matter, especially British acting with Germans, unpopular in this country. Sinking of ships certainly is. Consequently I am not without hope something may come of our transmission of arbitration proposal. I am expressing privately to my friends in the Government grave fears, of course as my personal opinion only, lest Great Britain will, if hostilities continue, be involved in course of [events? (word omitted)] in some action which will estrange if not antagonize American public feeling. Have refused all information to press. Am remaining in London."⁴⁰

Great Britain had informed Germany that it would not have anything to do with the theory that the blockade was "pacific" in character. The United States, therefore, again inquired as to what a warlike blockade without war might involve as regards neutrals, and at the same time pressed for arbitration of the whole dispute. A pre-arranged debate in Parliament served to inform British opinion of the difficulties of the situation; and orders were telegraphed to British naval commanders not to bombard any part of the Venezuelan coast without

having obtained special permission from the British Admiralty. In the mean time other states, including France, put forward claims against Venezuela. The final acceptance of arbitration by both Germany and Great Britain, as announced on December 17-18, relieved the situation somewhat, for meanwhile, behind the scenes, a conflict had been waged by President Roosevelt and the German ambassador at Washington.

This has been described by President Roosevelt in a letter to Mr. Thayer, which has been published and, therefore, need not long detain us. *Die Grosse Politik* omits any special discussion of this particular matter, and Germany is portrayed as glad and willing to arbitrate. However, there is no record at the Department of State which bears out President Roosevelt's statement that "Germany declined to arbitrate the question at issue between her and Venezuela, and declined to say that she would not take possession of Venezuelan territory, merely saying that such possession would be 'temporary'—which might mean anything." This precise matter may, therefore, await further historical investigation; but there is nothing to refute the President's statement. The present version of this extraordinary incident is as yet entirely President Roosevelt's, in a letter dated August 21, 1916.

The American battle-fleet was assembled under Admiral Dewey near Porto Rico with orders "to be ready to sail at an hour's notice. I told John Hay that I would now see the German Ambassador, Herr von Holleben, myself, and that I intended to bring matters to an early conclusion. Our navy was in very efficient condition, being superior to the German navy." The ambassador was told that the President could no longer permit delay in

answering his request for arbitration of the dispute between Germany and Venezuela. The ambassador replied that Germany could not arbitrate. President Roosevelt said that unless arbitration was agreed to, he would order Admiral Dewey to see to it that the Germans did not take possession of any Venezuelan territory. A few days later the ambassador called again and he was told that Admiral Dewey would be ordered to sail for the coast of Venezuela twenty-four hours in advance of the specified time. "Less than twenty-four hours before" that time the German Emperor requested President Roosevelt to undertake the arbitration himself.

This version differs somewhat from that given by Mr. Thayer, and in both instances there is a lack of precise dates. As we have seen, on December 11 Venezuela requested arbitration, and Germany was so informed on the 13th. On December 16 the United States urged arbitration on Germany. On December 17 Germany agreed to arbitration, and the United States was so informed on December 18. The President later gave Germany the initiative as to arbitration proposals and according to a pre-arranged plan praised the Kaiser for referring the whole matter to The Hague for final settlement.

Italy had now joined the blockading powers; and there was much delay in the lifting of the blockade and in the settlement as to priority of claims. Incidents connected with the blockade further irritated the Venezuelans and caused tension in the United States. Mr. Bowen, who had received permission to represent Venezuela in the proposed preliminary settlement, was a cause of annoyance to the British, who criticized him severely. However, the blockade was lifted and the Hague Tribunal

began its survey of the various claims of the different countries during the summer.

The Ottoman Empire was another state with bad international habits. The United States had been pressing Turkey for the settlement of indemnities due to losses experienced by American citizens during the Armenian troubles of the decade 1890-1900. These claims the Turkish Government recognized, but was very slow in paying. The amount was small; other powers had much heavier claims for damages. Yet so involved was the financial and international situation at Constantinople that the Sultan was finally driven to a subterfuge by which, at his own suggestion, payment of about nineteen thousand pounds was covered by a payment made in connexion with the construction of a man-of-war for Turkey by Cramp, the American ship-builder.

Hay had cabled to Mr. Griscom, the American chargé at Constantinople, on June 19, 1900: "Press urgently both at Palace and Porte for early date of payment. It is of great importance to us and to Turkey that the matter be settled and our friendly relations be resumed and strengthened. It is necessary for us to know immediately what our relations are to be." Whereupon the Turkish Foreign Secretary showed a "private instruction from the Sultan to the Minister for Foreign Affairs informing the latter that it had been decided to purchase a cruiser from a private firm in America and to include the £20,000 claimed as indemnity by American citizens in the purchase money and so dispose of the difficulties with the Americans."⁴¹ Thus the Sultan would save his face, settle with the United States, and avoid the importunities of his other creditors.

Mr. Cramp, therefore, on Mr. Adcox's advice, took "an attitude of discreet receptivity." Hay's comment was that "there is something ludicrous about the lying of these Turks. They have never mentioned the indemnity matter to Cramp—although for a year they have been talking of it in Washington and Constantinople."¹² Thanks to further pressure by the Department of State, the first payment on the cruiser was made at the end of 1901. The ship was completed and delivered to Turkey in April 1904. In this fashion the Americans were disposed of, for in June 1901 the Sultan had settled for nineteen thousand pounds with the American legation at Constantinople.

A second episode concerned the kidnapping by brigands of Miss Stone, an American missionary in Macedonia. She was held for ransom and was finally released on the payment of a large sum privately raised in the United States. During the latter part of 1901 the Department of State was much exercised in securing her safe return. As Mr. Adcox, who was an inveterate punster, wrote to Hay, October 5, 1901: "This has been a peculiarly hard week for me, and my mind is black and blue all over with the coming of the blessed Saturday afternoon. I have been worse off than Stephen,—I have been Stoned all the time with a continuous but unfatal result. I sent you a long telegram this morning *super hanc petram*." He continued two days later: "The missionaries are a curious lot. Their conversation seems to be that it would be more economical and convenient in the long run to let Miss Stone be killed—a practical proposition which I admit while reserving opinion on the score of charity." In the mean time at Constantinople,

Saloniki, and Sofia (in Bulgaria) every sort of endeavour was at work to try to secure the release of the captive.

Hay was rather inclined to let Miss Stone remain in the hands of the brigands for a time, hoping thereby to reduce their terms and to prove to them that no large sum would be forthcoming immediately to ransom her. In February 1902 Miss Stone was released on the private payment of a sum of over sixty thousand dollars. The question of responsibility for this outrage remained a subject for discussion during many months to come.

Mr. Leishman, American minister at Constantinople, does not seem to have distinguished himself during the entire episode, and within a few months he was once more in difficulties with the Turkish authorities. These troubles were due chiefly to the claims of missionaries and educators that they were protected by the most-favoured-nation clause and to the failure of the Turkish authorities to act promptly on lines which were proposed by Mr. Leishman. Soon the *amour propre* of the minister was involved and he proposed to ask for his passports and retire with dignity from a position that he found himself unable to control. On November 1, 1903 he suggested the dispatch of the Mediterranean squadron to Turkish waters and it was intimated by him that his promotion to the position of ambassador might relieve the situation.

To add to these complications the entire international situation now began to look unsettled. Mr. T. Jefferson Coolidge, of Boston, wrote to Hay regarding the condition of affairs, urging that at least a gunboat should be

sent to Constantinople to protect Americans in that city. The Department, however, was averse to extreme action until an attempt to assassinate the American vice-consul at Beirut was reported at the end of August 1903. The report came through first that the vice-consul had been murdered; and at once the European squadron was ordered to Beirut. This created great excitement for a few days; but Hay wrote to President Roosevelt: "Leishman ought to be able to finish up our little chores with Turkey in a few days, and report that the fleet is no longer needed. I have had two long talks with the Turkish Minister, and have told him that if he does not want our ships in Turkish waters, it is very easy to cause them to depart. The Sultan has only to keep his word with us, and settle the two or three matters which have dragged too long. Of course I was not brutal. I was very friendly and polite." Later Hay was to speak much more emphatically. He was tired out, however, and soon left Washington for New Hampshire. There a letter from the President assured him that all was well: "Under the circumstances it was out of the question for us not to send our squadron to Beirut, and out of the question for us to withdraw it afterward, unless we are given the satisfaction that should be given."⁴³

By the end of January 1904 the squadron was withdrawn from Beirut. Unfortunately, in spite of the agreement of the Turkish Foreign Office to American demands as to the treatment of American schools in Turkey, the group of officials surrounding the Sultan Abdul Hamid II were able to block the fulfilment of this agreement. This was the vicious circle in which such matters ran in Turkey. In August 1904 the American squadron was,

therefore, ordered back to Turkish waters—this time to Smyrna. Under pressure of this sort and in view of the vigorous press campaign that was conducted in the United States a considerable part of our contentions were finally accepted by the Sultan. On the whole, Hay does not seem to have felt so keenly in respect to Turkey as he did in respect to other countries that American interests required a more urgent and peremptory tone on the part of the Department of State; though much is to be said for his comment to President Roosevelt: "We can neither undertake to reform Turkey and Persia, nor can we enter into the reasons why it is impossible. To the professional philanthropist there seems no flaw in the logic of the question they always ask. 'You admit that it is wrong—why will you not try at least to set it right?'"⁴⁴

Now it is high time that we turned to the Far East and to a survey of the activities of American diplomacy with respect to China, Manchuria, Korea, and the Russo-Japanese war.

Chinese affairs were still in a muddle. The settlement secured after the Boxer troubles in 1900 took a long time to determine, and, even before its conclusion, there was strong evidence that at least as regards Manchuria the principle of the "open door" and of the "administrative entity" of China were to be severely strained. The views of the United States with respect to concessions to Russia in Manchuria were strongly expressed in a memorandum written by Hay, but drafted by Mr. Rockhill, of February 1, 1902. This read in part:

"An agreement by which China cedes to any corporation or company the exclusive right and privilege of

opening mines, establishing railroads, or in any other way industrially developing Manchuria, can but be viewed with the gravest concern by the Government of the United States. It constitutes a monopoly, which is a distinct breach of the stipulations of treaties concluded between China and foreign powers and thereby seriously affects the rights of American citizens; it restricts their rightful trade and exposes it to being discriminated against, interfered with, or otherwise jeopardized, and strongly tends toward permanently impairing the sovereign rights of China in this part of the Empire, and seriously interferes with her ability to meet her international obligations."

It soon became evident that Germany was indifferent as to Manchuria; France was bound in alliance to Russia; and the Anglo-Japanese Alliance had just been signed. It was left to America to pursue a lonely but, on the whole, altruistic policy. The United States reserved "for itself entire liberty of action should circumstances unexpectedly arise whereby the policy and interests of the United States in China and Korea might be disturbed or impaired." As Mr. Rockhill wrote in April 1902: "Our only chance of seeing the 'open door' strictly adhered to is exercising constant vigilance." Thus repeatedly and on varied occasions did the United States press for the application of the idea of the "open door."

In Korea as well there was a silent contest on, which might at any time flare out in a terrific war. Japan and Russia were the rivals, and in August of 1902 it was reported that Russia was on the point of suggesting that the United States should be invited to join with

Russia and Japan in guaranteeing the inviolability of Korea. Japan made it quite clear, however, that as long as the Russians were so strongly established along the railway lines in Manchuria, such an agreement with respect to the integrity of Korea was impossible.⁴⁵ Thus the scene shifts back and forth. Sometimes it is in Korea and sometimes in Manchuria that the centre of diplomatic interest lies. Hay wrote to Mr. Henry White: "The Manchurian matter is far more delicate and more troublesome. Russia, as you know, has given us the most positive assurances that the famous Convention of seven points [with respect to Manchuria] never existed. We have a verbatim copy of it as it was presented with preamble and appendix, by Mons. Plançon [Russian representative at Peking] to the Chinese Government. If they choose to disavow Plançon and to discontinue their attempts to violate their agreements, we shall be all right; but if the lie they have told was intended for a week or two, the situation will become a serious one."⁴⁶

Hay now began to realize that the ordinary public opinion of the United States would not permit American armed intervention in the Far East. He did not foresee that within a year President Roosevelt was privately and confidentially to threaten such intervention during the Russo-Japanese war. He therefore spoke only of the moral influence of America as directed towards the prevention of war and the maintenance of treaty obligations. Indeed, there was some chance that an adjustment could be found at the last moment which might at least delay, if not actually prevent, the outbreak of war between Japan and Russia. This war, however, was almost inevitable unless the two rivals could come to terms by

themselves. Japan made it very clear to the United States that it "would not welcome any offers of intervention or mediation in the present difference with Russia for two reasons; first that no agreement arrived at by other means than friendly negotiation between the two parties would have any real permanence; second, that a discussion of intervention might give Russia an excuse for further delay, to the military disadvantage of Japan."⁴⁷

With the outbreak of hostilities, in February 1904, Hay at once set to work to try to preserve the neutrality of China. A circular note was dispatched to Austria, Italy, Belgium, Spain, the Netherlands, and Portugal proposing that these neutral states should use their good offices to secure recognition by both Russia and Japan of the neutrality and the administrative entity of China. To Paris a special note was sent saying that Japan was prepared to respect the neutrality of China provided Russia would do so. The note continued: "It seems to us it will be a great mistake for Russia from the point of view of sentiment to allow Japan to assume the *beau rôle* in this matter, and from the point of view of material interests the exclusion of China from the conflict will be greatly to the advantage of Russia." Russia, Japan, Great Britain, Germany, and China were also approached directly. By February 19, replies had been received that secured the immediate purpose of Hay. China, with the exception of Manchuria, was to remain neutral.

Early in the war Japan forced the Korean Government to accept a protectorate and thus began the various stages by which complete control over Korea was

finally secured by Japan. Hay did not protest at this development, nor is there any evidence that the morality or equity of this proceeding entered his mind. The economic consequences of the protectorate were at once evident, for on May 19, 1904 Minister Allen cabled from Seoul: "Imperial Korean edict last night annuls all treaties and agreements with the Russian Government, including the Yalu timber concession, and subjects private Russian agreements to a further investigation. Emperor reluctantly complied with Japanese demands in the matter."⁴⁸

As the war progressed, there were repeated instances that required the prompt intervention of the Department of State to preserve Chinese neutrality. Every one of these was successful. With reference to claims made by the United States as regards the seizure by either of the belligerents of American property on the high seas and elsewhere the procedure was not so effective. The slow processes of the Russian prize courts soon provoked considerable complaint; but it is interesting to note that arguments submitted by the United States to secure the release of property so seized or the payment of damages for such seizure were for the most part ultimately successful. Also, as gossip began to turn on the terms of peace that might be negotiated when the proper time came, Hay sent a circular note that disclaimed for the United States any intention to profit at the expense of China by putting forward claims of any kind. This, of course, was done in order to provoke similar disclaimers by other countries. Here again Hay was successful, thus disposing of the alleged plan by which it was said that various powers hoped to compel

China to "pay the freight" at the close of the war. Any such plan was nipped in the bud, and any partition of China was prevented.

At the end of February 1905 there came the first faint "feeler" from Japan as to the possibility of peace negotiations. The terms of peace had already occupied the mind of President Roosevelt for some time. From this time on he was to be increasingly busy with them. Unfortunately the winter had told severely on Hay's health. He was ageing rapidly and was nervously exhausted. Other physical ills combined to make it imperative that he should have a rest of a few months. He went abroad in the middle of March. From this trip he returned in June to die. During the closing months of his secretaryship he was out of touch with the course of events, though the President always planned to keep him fully informed. Mr. Dennett in a volume of unusual value has given us a picture of the negotiations that preceded the signature of the Treaty of Portsmouth. These events, however, were not part of Hay's contribution to the history of American diplomacy.

In this sketch many matters that occupied Hay's attention from time to time have been omitted for lack of space. The meeting at The Hague in 1900 and the proposals for a second such meeting in 1904 to promote the cause of peace have not been mentioned. The arbitration treaties over which he laboured during the last year of his life have also been omitted, chiefly because of the hostile reception given them by the Senate. Negotiations to preserve the independence of Liberia and to secure the Danish West Indies for the United States fill many pages of Hay's record, yet they are not so

important as those that we have noted. The release of Perdicaris, an American subject resident in Morocco, was an incident of the time, which, however, chiefly redounded to the reputation of President Roosevelt. Furthermore there has been no room to speak of Hay's administration of the Department of State, of his vexations as to matters of patronage, and of the interesting notes that he has left on this subject. His general attitude was that of a man who was sorely irked by politics; he fulminated against those to whom "politics" was the very breath of life; and at times, with a high sense of the dignity of his office, he did not press his views and desires sufficiently on those who had it in their power to block his plans in the Senate.

Thus, as we look back, we can see how Hay changed his mind as to the acquisition of the whole of the Philippines. In this he followed President McKinley. The Alaskan boundary was finally settled as Hay proposed, though we may never know how much influence President Roosevelt had. The canal treaty in its second and successful edition was frankly based, as Hay said, on the form given first by the Senate. The wearisome negotiations with Colombia and Nicaragua ended in the dispatch of our naval vessels to maintain the independence of Panama. The disputes with Germany as to Venezuela and with Turkey were ended by the threat of force also, at the orders of President Roosevelt. In the Far East the "open door" was not laid down as a principle fresh from Hay's mind, though he sponsored it and engineered its acceptance by the powers. Throughout the Boxer revolt Hay did much to secure the safety of the foreigners in Peking and adroitly pro-

moted the settlement achieved. In the long exchanges with Russia regarding Manchuria he saw through the tissue of lies that had been woven to protect Russian advance. Finally, however, it was Japan that used the sword to secure for itself a favourable position on the mainland of Asia.

Such a record does scant justice to the admirable qualities that, nevertheless, marked his career as Secretary of State. Amongst that interesting and often brilliant group of friends who for many years forgathered in Washington, Hay's position was secure. Far beyond that group he had a great influence for righteousness among the nations. His knowledge of the affairs of the world, his wide acquaintance with both men of action and men of letters, his felicitous pen, his ready humour, as well as his flaming anger, all made of him an excellent Secretary of State. He was by nature both a poet and an aristocrat. He disliked the routine of service; but his conscientious soul sacrificed itself in the employ of his country.

ELIHU ROOT

SECRETARY OF STATE

JULY 7, 1905, TO JANUARY 27, 1909

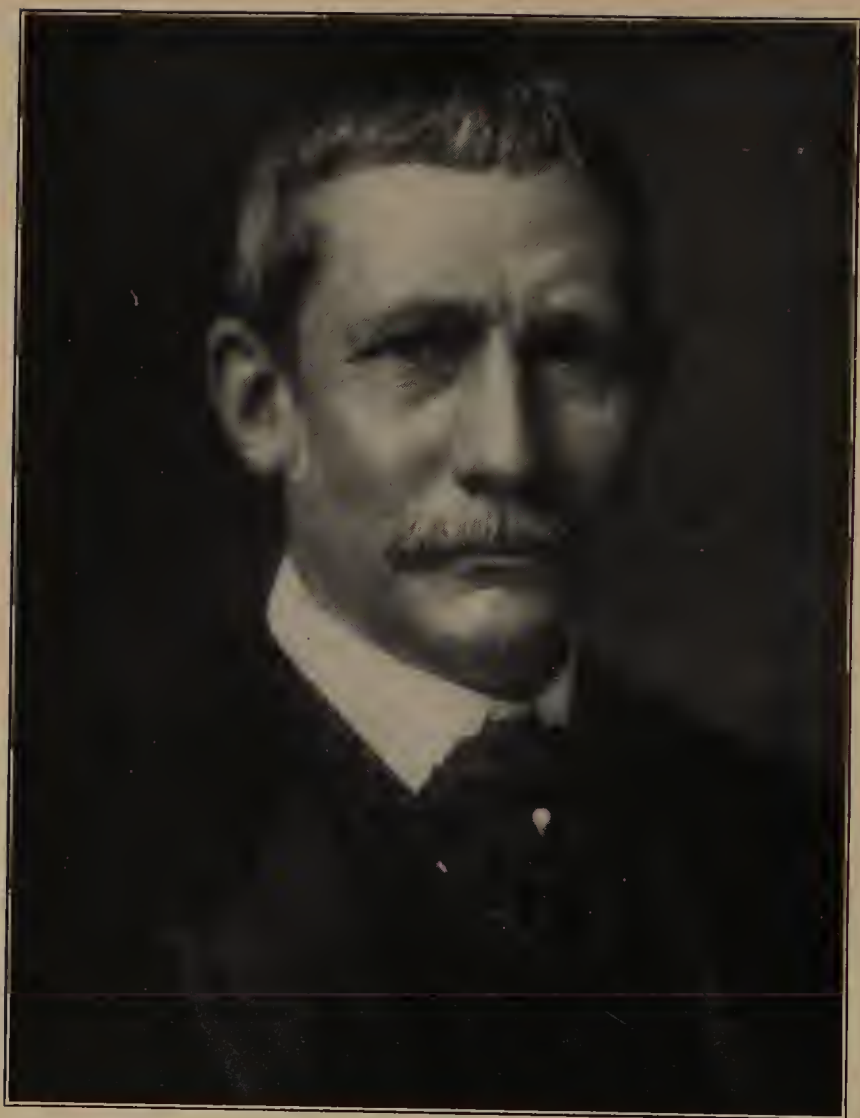
BY

JAMES BROWN SCOTT

FORMER SOLICITOR OF THE DEPARTMENT OF STATE

SECRETARY OF THE CARNEGIE ENDOWMENT

FOR INTERNATIONAL PEACE



Wm. Root

ELIHU ROOT

COURTESY OF THE KEYSTONE VIEW COMPANY

ELIHU ROOT

CHAPTER I

A LAWYER—SECRETARY OF WAR

ELIHU ROOT took the oath of office as Secretary of State of the United States on July 7, 1905. He had not belonged to the diplomatic service, as had some of his predecessors, but he had had training both at the bar and in public administration which, in the opinion of President Roosevelt, amply qualified him for the Secretaryship of State, or, indeed, for any post of honour and trust under the Government of the United States.

His entrance upon a public career in Washington, which for some years was to be the centre of his activities, began in an unexpected and dramatic way. In July 1899, at his summer home in Clinton, New York (in which city and state he was born), he was called to the telephone, to learn that President McKinley wished him to take the Secretaryship of War. Mr. Root replied to the President's secretary that this was "quite absurd," as he knew "nothing about war" and "nothing about the army." Under ordinary circumstances this might have ended the matter; but the circumstances were not ordinary. After conferring with the President, the latter's secretary informed Mr. Root that Mr. McKinley "was not looking for any one who knows anything about

war or for any one who knows anything about the army"; that he wanted "a lawyer to direct the government of these Spanish islands," and that Mr. Root was "the lawyer" he wanted. Mr. Root's reply was an acceptance. His public career at Washington began.¹

The lawyer whom President McKinley wanted was fifty-four years of age. Through his mother he was a direct descendant of that major of the minute-men, John Buttrick, who, leaping into the air at Concord Bridge, is said to have cried: "Fire, for God's sake, fire"—the shot which was to be, in Emerson's famous phrase, "heard round the world." It was the same John Buttrick who, a little later, served on a committee of the town of Concord that drew the fundamental distinction between an American constitution emanating from the people as the source of power, which could be changed only by them, not by the legislature, and the constitution framed by a legislature, which was merely a law and could be changed by it, at its pleasure.

His father was Oren Root, an excellent mathematician, and long professor of mathematics in Hamilton College, familiarly and affectionately called by his students "Square Root."

Their son, Elihu, was born at Clinton, on February 15, 1845. His father was then principal of the Syracuse Academy, in the city of that name, which no less a person than Andrew D. White then attended, who, in later life, recalled as salient among his recollections of this period "the cries and wailing of a newly-born babe in the rooms at the academy occupied by the principal, and adjacent to our big school-room."² This was certainly one of the earliest occasions, if not the earliest,

when Mr. Root's voice reached the great and impressed itself upon their memory.

Educated at Hamilton College, from which he graduated in 1864, he is today the most loyal and most distinguished of its alumni. He taught, for a time, at the Rome Academy, and prepared himself for the practice of law in New York University, from which institution he received his degree in 1867. He had thus been active at the bar for thirty-two years before he entered President McKinley's Cabinet.

He was fortunate in his early surroundings. In the office of David Dudley Field he came into contact with that distinguished man, of whose *Outlines of an International Code* he still speaks, upon occasion. At the bar his experience was as varied as it was large. He advanced rapidly in his profession, being retained in many cases of great importance—only occasionally in a criminal proceeding, but pre-eminent in civil suits of the first importance and of the most diversified nature. In President Arthur's Administration he was, from 1883 to 1885, district attorney of the United States for the southern district of New York, during which time he appeared for the Government in not a few prosecutions brought for violation of the neutrality laws of the United States. The range of Mr. Root's professional activity was thus more than ordinarily extensive.

During these years of increasing practice Mr. Root was taking a keen interest in public affairs, allying himself with the reform element of the Republican party. Some five years before he entered the President's Cabinet, he was a delegate at large to the New York constitutional convention and chairman of its judiciary committee—

a position that carried with it leadership on the floor. In this position he greatly distinguished himself, and exactly twenty years later he was to preside over the constitutional convention of the summer of 1914.

Lawyers in large practice often rely upon their juniors for the facts and the law of the case. This was not Mr. Root's method. He ascertained, himself, the facts, as they often determine the case, and he sought and found among the authorities the principle of law that he believed should be controlling in the state of facts. If an adjudged case was not to be found, he brought the facts within the principle that he thought should decide the controversy, and presented it carefully and convincingly to the court, that its decision might turn upon the point which he had raised and stressed. Habits of his youth clung to him throughout his professional career. Long after he had attained a commanding position, he happened to be in the West, trying a case of first magnitude, before the federal court. After its adjournment in the afternoon, his associates repaired to the golf-course or refreshed themselves at the club. Mr. Root, however, made for the law-office of one of the counsel and shut himself in with the books, looking up cases that had been cited against him, collecting the authorities opposed to his contentions, and finding others that appeared to be in his favour. He did his own preparation, and in court he was able to rely upon himself and did not need to depend upon others. Admirable training, this, for an administrative officer.

The "Spanish islands" to which President McKinley referred were, in the order of their importance at the time: Cuba, the Philippines, and Porto Rico. Their re-

lations to the United States were undetermined, and the law to be applied to them was largely international law. The war with Spain was over. It had broken out in April of the preceding year in order to put an end to the disorder and bloodshed in Cuba, to separate that island from Spain, and to establish it as an independent republic of the Western hemisphere. Ratifications of the treaty ending the war had been exchanged, and the two countries were then at peace, with Cuba occupied by the United States until such time as it might be ready to assume the responsibilities of republican government.³

The Philippines had been ceded to the United States for the sum of twenty million dollars, and Porto Rico was retained to cover the expenses of the war. These "Spanish islands" were placed under the jurisdiction of the Secretary of War, and President McKinley was well advised to have a lawyer, albeit a lawyer who had had no experience in war or in the direction of the army. Porto Rico was to become an integral part of the United States, and have the form of government that territories of the United States have received at the hand of Congress.⁴ Cuba was an international problem. It was foreign territory under American occupation.⁵ The problem was twofold: (1) to arrange matters as rapidly as practicable so that Cuba might be turned over to its own people, in accordance with the promise of the Congress of the United States on declaring war against Spain; and (2) to guarantee Cuba against disorder within and attack from without its territory. This the Secretary of War successfully accomplished. A republican form of government was to be established in the island "adequate for the protection of life, property, and

individual liberty” and for the performance of its international obligations. For these purposes, and for none other, the United States was to possess the right to intervene.⁶ After the acceptance of the terms of the Platt Amendment and their incorporation in the Cuban Constitution of 1901, the United States transferred the government of the island to the Cuban people, May 20, 1902. These provisions were later incorporated in a treaty concluded on May 22, 1903 between the two Republics, which contains at the same time a formal recognition of the independence of Cuba by the United States. Instances are rare of a large and powerful nation intervening in behalf of a weak, neighbouring province of a distant country, and, through the success of its arms, establishing and guaranteeing the independence of the province or colony in whose behalf the strong and powerful nation had intervened.

The problem of the Philippines was more difficult than that of Cuba. It is still with us. The Philippines are a vast archipelago, and at the time of their acquisition by the United States the Spaniards there were few, and the native population composed of various and often warring tribes, some eight millions of souls in number. There were practically no Americans in the islands beyond the army of occupation and citizens who had gone thither after the surrender of the islands by Spain to the United States. The natives were unfitted at the time for anything approaching self-government, and the United States had not had experience with colonies. It was difficult to incorporate the islands into the United States because of their distance, and impossible to extend to the natives the self-government with which the

inhabitants of an American territory had hitherto been vested. These were questions for a lawyer, and for a lawyer like Mr. Root.

Secretary Root had in mind the replacement of the military governor by a civilian governor-general. Education, simple, primary, but adequate, with opportunity of higher education, became the fundamental principle of his plan. As soon as the Filipinos were ready, they would be taken into the public service, and they were to enjoy the rights that the Americans of Revolutionary days had claimed and set forth in the constitutions of their states, and as amendments to the Constitution of their United States.

By 1900 Secretary Root felt that a decided step could and should be taken in the Philippines towards autonomous civil government. He so advised President McKinley and drafted instructions, approved by the President with but the change of a single word, for the guidance of the Philippine commission, of which William Howard Taft, later to be President of the United States and Chief Justice of its Supreme Court, was president.⁷

The first step in the process was to be the establishment of municipal governments, in which the Filipinos, as in a political laboratory, might have experience in self-government. Above the municipal there should be larger administrative divisions. Filipinos fitted for office in either the larger or smaller divisions were to be preferred to Americans. There were, however, to be guiding principles introduced at the very beginning. The curious reader will find them contained in George Mason's bill of rights for Virginia, of June 12, 1776, in the Declaration of Independence of July 4, 1776, and in the original

amendments to the Federal Constitution of September 17, 1787. A very large and real system of self-government is already in operation in the Philippines, and the Filipinos appear to be looking forward to the time when they shall assume, in the language of our Declaration, an independent position under "the Laws of Nature and of Nature's God." In any event, a colonial policy of self-government was advised by Secretary Root and through his initiative introduced into the Philippines. His handling in a creative way of the political problems thrust upon the country by the insular possessions showed the presence of a constructive statesman at Washington.⁸

There was a continental matter of an international nature that seriously engaged Secretary Root's attention. Alaska had been purchased from Russia in 1867, and its vast extent and uncertain boundaries had given little trouble until gold was discovered. Then Americans, Canadians, and people from other countries rushed to the Klondike as adventurers had rushed to America upon its discovery, and had crowded California because of gold and the desire to acquire riches overnight.

The Government of the United States was responsible for maintaining order within Alaska. "Disturbances are always liable to occur in new mining camps," said Secretary Root in his report for 1902, "and there is always a possibility of their occurring along a frontier line."⁹ Trouble indeed arose. The Alaska boundary dispute with Great Britain, with which the reader of the preceding sketch in this volume is familiar, became one of the major international problems with which the Administration was confronted. Fortunately Great Britain and

the United States agreed to arbitrate the question of boundaries by an international commission composed of "six impartial jurists of repute" to "consider judicially the questions submitted to them." The United States was to select three, and the President chose Secretary Root and two American associates. Great Britain chose as its chief representative Baron Alverstone, Lord Chief Justice of England, and, because the question was Canadian, two distinguished Canadians. The tribunal, it is to be observed, was composed of three "impartial" Americans, two "impartial" Canadians, and the impartial Chief Justice. The award was rendered on October 20, 1903.

The fact that in every case in which there was a difference among the commissioners, Lord Chief Justice Alverstone accepted the American contention is a guaranty of the impartiality of the decision. It is also a tribute to Lord Alverstone, who, in a case affecting his country, could divest himself of his nationality and decide as a judge, even against the claims of his country; and it is a proclamation to the world at large that judicial settlement between nations is a possibility.

On March 31, 1906 Mr. Root, as Secretary of State, had occasion to deliver an address at a dinner given in New York City, by the Pilgrims of the United States, in honour of the Right Honourable Earl Grey, Governor-General of Canada, during the course of which he said:

"The Alaska boundary question could have been settled without difficulty at any time for many years; there was no controversy about it, and it failed of

settlement because our Congress was unwilling to make an appropriation to survey the boundary; and through that fatuous refusal to dispose of the question when there was no controversy, there came a most critical situation, the settlement of which was exceedingly difficult.”¹⁰

Although Secretary Root had disclaimed any knowledge of war or of the army, he found himself obliged, during his tenure of office, seriously to consider the reorganization of the army; and he did it in such a way as not only to meet with the approval of his country, but also to be regarded as a model by our English cousins across the sea.

The army had for years past been run on a peace basis. Secretary Root proceeded to reorganize it for war instead of peace purposes. The problem was twofold: to create a staff, and to educate it when it had been created. The result was the Staff and the Staff College. Heretofore there had been a commanding general of the army, but no staff with a chief of staff in the sense in which those terms were understood in Europe.

The chief of staff under the Root plan was to be a general officer of the army, detailed for a period of four years, to carry out the instructions of the Secretary of War and to supervise what would be called the military discipline and manœuvres of the army. The President, as Commander-in-Chief, was to communicate his desires to the Secretary of War. In this way a chief of staff, as representative of the hierarchy in the army, was to be directed and controlled by a civilian Secretary of War, except in cases for which the President might

wish to confer with and personally to direct the chief of staff.

It was essential to have a chief of staff and assistants competent for their respective duties, and a general staff prepared in the piping days of peace to plan projects which in case of war could and should be carried into execution. This part of the program was educational. The graduates of the Military Academy at West Point were trained in the elements of their profession, but this was not enough. There should be training at army posts, especially at Fort Leavenworth; and a college of military character for the advance training of officers in the army who had supplemented the instruction of West Point at army posts and at Fort Leavenworth, and whose character, ability, and attainments suggested that they should continue their studies at this higher school of war. This should be the Army War College.

The general staff was reorganized by an act of Congress of February 14, 1903, in accordance with the recommendations of Secretary Root. The Army War College was established also upon his recommendations. A modest appropriation of \$20,000 was obtained in 1900 for "the direction and coördination of the instruction in the various service schools," and an appropriation was made in 1902 for the continuance of the "Army War College," which had, in fact, been created by assembling officers of the army in Washington Barracks in the District of Columbia. The sum of \$15,000 was allotted for the continuance of the "invisible" college, and the sum of \$400,000, or so much thereof as might be needed, was appropriated at the same time, "for the

erection of the necessary buildings for the Army War College.”¹¹

The corner-stone of the College was laid on February 21, 1903, on which occasion Secretary Root delivered an address, stating its aims and purposes. At its formal dedication, on November 9, 1908, while he was Secretary of State, he likewise delivered an address. In the wall facing the main entrance to the building there is a large and impressive granite tablet bearing the inscription: “Because of the special interest and effort of ELIHU ROOT Secretary of War, Creator of the General Staff of the Army, this building for the Army War College was authorized by Acts of Congress approved June 30, 1902, and April 23, 1904.”¹²

Under General Orders No. 155, dated November 27, 1901, Secretary Root provided special service schools between West Point and the War College, so that the officers detailed to this latter institution might profit by its superior instruction.¹³

Secretary Root foresaw that the regular army would needs be small in comparison with the militia of the different states, and volunteers. Therefore something must be done to have an instructed militia for a reserve; the former members of the militia would be a second reserve, and the volunteers enrolled in the army without previous service, a third. To effect this, officers of the National Guard were to be admitted to Fort Leavenworth; volunteer officers who had shown capacity in the recent war likewise were to be admitted to Fort Leavenworth to pursue courses of instruction under officers of the regular army. Adequate provision should be made by which officers of the army should be detailed

to the National Guard upon the request of governors of the states. The arms that they were to use were to be the same as those used in the regular army and were to be supplied by the federal Government. There should be examinations by which their qualifications for higher command should be tested. And a fundamental requirement should be, as stated in Secretary Root's own words, taken from the Report of 1903, that "the organization, armament, and discipline of the organized militia shall be the same as that prescribed for the regular army."

It was no great step to the system of reserve officers of the World War, for the command of troops mustered into service for a national emergency. Secretary Root had in mind a trained army, with the possibility of adding to it a trained national guard, should there be need of it. He looked upon the national army as a unit, but he recognized that the army was but an element in an adequate system of national defence. The navy was then the other element. The co-operation of the two would be in the interest of each, and of the country at large. Therefore, Secretary of War Root and Secretary of the Navy Moody entered into an arrangement, with the approval of the President, published as General Orders No. 107, by which a joint army and navy board was created, to be composed of four officers from each of the two branches of the service, "to hold stated sessions and such extraordinary sessions as shall appear advisable for the purpose of conferring upon, discussing, and reaching common conclusions regarding all matters calling for the coöperation of the two services."

It is related that an English statesman who hesitated to accept the post of Secretary for War in a British

Cabinet some time before the outbreak of the World War was influenced to accept the portfolio in the belief, justified by the event, that Secretary Root's reports as Secretary of War of the United States would be of invaluable service to him, likewise a civilian, in reorganizing the British Army in time of peace for service in an approaching war, as in each country the military is subordinated to civil control.

Secretary Root regarded the work that he had undertaken at President McKinley's request as done. He resigned the Secretaryship of War on February 1, 1904, in order to resume his practice at the bar, having served as Secretary of War from August 1, 1899. His withdrawal from public service was for but a few months, for on John Hay's death, at the earnest solicitation of President Roosevelt, he accepted the Secretaryship of State, assuming office on July 7, 1905.

The new Secretary of State thus had ample experience in administration, and during the years at the War Department he had handled many a matter of an international nature. A detachment of the American army by his direction had taken part in the relief expedition to Peking on August 14, 1900, during the Boxer troubles in China.¹⁴ He had been a member of the Cabinet during the larger part of John Hay's tenure of the Secretaryship of State, and the two Secretaries had been in constant consultation about the foreign policies of the country. When Mr. Root returned to the Cabinet, he was a mature and experienced statesman, ready to take up the threads of policy, with which he was already familiar.

CHAPTER II

MOROCCO AND THE CONGO

BY far the most important diplomatic question pending when Mr. Root assumed the Secretaryship of State involved the conflicting interests of France and Germany in Morocco.¹⁵ Their differences had brought Europe to the verge of war, to prevent which the European powers wisely agreed to confer at Algeciras, in Spain, January 16, 1906. In that conference the United States took part, represented by an accomplished diplomat, Henry White, then ambassador to Italy, and Samuel R. Gummeré, at that time minister to Morocco.

It was not unnatural that the Government of the United States should be represented, because it was a contracting party to the convention signed at Madrid, July 3, 1880,¹⁶ in which certain of the powers in Europe had determined the protection to be accorded to their nationals and their interests in Morocco. The convention was signed at Algeciras on April 7, 1906,¹⁷ and ratification advised by the Senate on December 12, 1906. Two days later it was ratified by President Roosevelt. On December 31, 1906 it was deposited with the Spanish Government, and proclaimed on January 22, 1907.

Without dwelling upon the convention, the two technical questions of supreme importance before the conference were those of the police organization and financial reform of Morocco. Fortunately, agreements were reached upon both. The interests of the United States in

Morocco were infinitesimal in comparison with those of the European powers, yet American influence counted for much in the settlement. "I wish to avail myself of this opportunity," Prince von Bülow, then Chancellor of the German Empire, said in an address of November 14, 1906, in the Reichstag, "to declare that we have reason to be grateful to America for its attitude at the conference of Algeciras. America took, by reason of its less important interest, an attitude of reserve. It maintained its neutral position throughout, but its distinguished and highly respected representative, Mr. White, omitted no opportunity to remove difficulties and to aid toward an agreement which should be satisfying to all the parties in interest."¹⁸ If the Chancellor had stopped here, his remarks might be looked upon as merely complimentary. He continued, however, showing the reason for his appreciation: "That was a great service which America rendered to the peace of the world, because the failure of the conference of Algeciras would not only have broken the relations between Germany and France, but would have disturbed the general political situation in the world, and would have introduced a disturbing and threatening element into the politics of all nations." And he concluded with the statement that "This was the second great service which America rendered to the peace of the world, the first being the reëstablishment of peace between Japan and Russia."¹⁹

There are two matters that should be mentioned in this connexion. Ambassador White, under Secretary Root's instructions, signed the convention with a reservation—which is not so rare on the part of the United States as those unfamiliar with its policy are in the

habit of suggesting.²⁰ The Senate also stated its advice and consent to ratification to be "without purpose to depart from the traditional American foreign policy which forbids participation by the United States in the settlement of political questions which are entirely European in their scope."²¹

The General Act of Algeciras may not, and indeed did not, mean much to the United States. To France, however, it was a resurrection of prestige; it meant that the isolation of Sedan was past and that the powers of Europe were forming new alignments. To Great Britain it meant that the rise of the German menace was at least stayed by a new combination. To Germany it meant that the peace of Europe was kept without German loss of face at a time when the German navy was not yet ready to risk a war in which it might have to encounter Great Britain.

Among outstanding questions not the least important that faced Secretary Root when he accepted the post and began to perform the duties of foreign minister related to the exploitation of the native population of the Congo. It was settled during his secretaryship. The whole question is an excellent example of the interest that the people of the United States take in foreign affairs when humanity is involved, and the preference that they give to ethical rather than to commercial aspects when both are concerned.

Secretary Root recognized fully the need of a change in the government of the Congo Free State. At the same time he recognized the difficulties in the way of reform. "If the United States had happened to possess in Darkest Africa a territory seven times as large and four times

*will be well
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as populous as the Philippines," he said in a letter, dated February 20, 1906, to Edwin Denby, then a member of Congress, and later to be appointed Secretary of the Navy by President Harding, "we, too, might find good government difficult and come in for our share of just or unjust criticism."²²

This was the attitude of the practical reformer, with whom patience ceases only under great provocation to be a virtue. Leopold II, King of the Belgians, and in his personal capacity founder and sovereign of the Congo Free State, was unwilling to correct the abuses in the Congo, which were generally known to exist. As the United States had no minister accredited to the Congo, it required tact on the part of Henry Lane Wilson, then minister to Belgium, directly to intervene, even on instructions from his Government. In his *Diplomatic Episodes in Mexico, Belgium and Chile*, just off the press, Mr. Wilson says that "the Kongo question was a sensitive subject with the King; discussions relative to the origin and legitimacy of his title and control over Belgian Kongo were extremely distasteful to him. He regarded the Belgian Kongo as his private patrimony over which he had autocratic power and resented any intervention in its affairs by the Belgian or other foreign governments."²³

From a constitutional standpoint, there was much to say for King Leopold's position, although from an ethical, moral, and humanitarian one, little. He had been for many years interested in the exploration of Africa. As early as 1876 he had brought together a group of prominent European scientists, statesmen, and publicists, at Brussels, to discuss and define "the ways to be followed and the methods to be used in order def-

initely to plant the standard of civilization upon the soil of central Africa.”²⁴ The result was the formation of the International African Association. He procured the services of the celebrated Henry M. Stanley, who brought light into darkest Africa by repeated voyages thither, in the course of which more than three hundred treaties were made with the natives of the Congo basin. The International African Association was later merged into the International Association of the Congo.

This was a development due solely to Leopold in his private capacity, not as King of the Belgians. The territories which the Association had had explored in the basin were not the property of European powers, although parts were claimed by one or more of them. Such title as the natives possessed they had conveyed to the Association, which thus claimed a vast and undefined territory, through which the Congo River reached the ocean. They had not been acquired through agents of a state for a state, but by agents of an independent and private organization, of which Leopold, in his private capacity, was the life, the soul, the administrator.

Leopold wished it to become a state by the recognition of the European powers. One of his private representatives was an American, Henry S. Sanford by name, who, on April 22, 1884, procured the recognition of the International Association of the Congo and its flag by the United States.

To put an end to conflicting claims in and to the basin and mouth of the Congo River, Bismarck, then the all-powerful Chancellor of the German Empire, invited specified powers interested in that part of the world to confer in Berlin, by representatives chosen for the

purpose. The result was the celebrated Congress of Berlin, the objects of which, as stated in the preamble of its General Act of February 26, 1885, were to regulate "the development of commerce and of civilization in certain regions of Africa," to assure "to all peoples the advantages of free navigation upon the two principal African rivers which empty into the Atlantic ocean," to prevent "misunderstandings and contentions to which the taking of new possessions on the coast of Africa may in the future give rise," and to increase "the moral and material well being of the indigenous populations."²⁵

The Congress adopted declarations on the liberty of commerce in the Congo basin, slave trade and its prevention, the neutrality of the territory comprised in the conventional basin of the Congo, and freedom of navigation of the Congo according to international treaties and international practice.

Although its statehood was already recognized by the United States, and tentative negotiations had shown that other powers would shortly follow suit, the Congo was not invited to the conference. Its statehood was, however, recognized during the conference, and at its adjournment, as a recognized state, it was allowed to adhere to the General Act.

A new state had been artificially created. In 1890 a conference was held at Brussels, among other matters to suppress slave trade, to protect the native population of Africa, and to procure for the continent "the benefits of peace and civilization." The Government of the United States was a party to its General Act of July 2, 1890, adopted for this purpose.²⁶

Meanwhile the sovereign of the Congo was exploiting

the natives without seeking to elevate them morally or physically, depriving them of the possession of their lands, and holding them to forced labour, in such a way as to reduce them to slavery.

It was to be expected that the Congo would some time be annexed to Belgium, to be governed constitutionally as a colony of that progressive country. On August 2, 1889 Leopold had made his testament to that effect. But matters went from bad to worse, and when Secretary Root assumed office, the misgovernment of the Congo was becoming an international scandal, ventilated in periodical and book by a host of vigorous writers.

Under date of January 15, 1907, Secretary Root sent the following cablegram to the American minister at Brussels:²⁷

“Our attitude toward Kongo question reflects deep interest of all classes of American people in the amelioration of conditions. The President’s interest in watching the trend toward reform is coupled with earnest desire to see full performance of the obligations of articles 2 and 5 of slave-trade act, to which we are a party.”

At this very moment the Belgian Parliament had the question of annexation before it. On February 15, 1907 the Senate of the United States requested the President to co-operate with the signatories of the Treaty of Berlin “for the amelioration of the condition of . . . the native inhabitants of the Basin of the Congo,” who were alleged to have been “subjected to inhuman treatment

of a character that should claim the attention and excite the compassion of the people of the United States."²⁸

Public sentiment in England was aroused, and for the same reasons; but as Great Britain was a party to the Congo Act, as well as to the Brussels Convention, it was easier for its representative to protest. Secretary Root therefore stated to the British Government the willingness of the United States to co-operate, and on December 16, 1907 he sent to Minister Wilson the following cablegram:

"Our attitude and sentiment rest on the broad general purpose to elevate and benefit the native Africans as declared in the Berlin act, to which we are, however, not a party, and emphatically reaffirmed in the Brussels act of 1890, applicable to all dominion and control of civilized nations in Central Africa, to which we are a party. Our voice and sympathy are in favor of the full accomplishment of those declared purposes, and . . . we are free, and indeed morally constrained, to express our trust and hope that every successive step taken by the active signatories will inure to the well-being of the native races and execute the transcendent obligations of the Brussels act, in all its humanitarian prescription, especially as to article 2."²⁹

Without going into details, it can only be stated in this place that in the course of 1907 and 1908 a treaty was made between the Congo and Belgium, by which the former was annexed by the latter. A colonial law was framed and promulgated, by which the Belgian col-

ony was secured the advantages of constitutional government, capable and willing to correct the former abuses, and which has, in the course of time, done so. On November 15, 1908 the Congo was officially transferred to Belgium, which assumed all existing international obligations in respect to the erstwhile Free State of the Congo.³⁰ In dealing with this delicate and complicated question Secretary Root had expressed the sympathetic feeling of the American people for the reform of admitted abuses, and in a way so unexceptionable as to merit unstinted praise.

CHAPTER III

THE THIRD PAN-AMERICAN CONFERENCE AND THE SECOND HAGUE CONFERENCE: ARBITRATION TREATIES

DURING the negotiations at Algeciras, Secretary Root was occupied with the third of a series of conferences held on American soil by American governments. The first had met at Washington in 1889, as stated in the preceding volume of this series, upon the call of Secretary Blaine. The second had assembled in the city of Mexico in the autumn of 1901 and adjourned in 1902. The third was to meet in Rio de Janeiro, and the date agreed upon was the summer of 1906.

It happened that at the very time, Russia was advocating a second conference of the nations to meet at The Hague. Which conference was to yield to the other? There was no doubt in Secretary Root's mind on the matter. He felt that the Rio conference, agreed upon in advance of that at The Hague, should have precedence. With this view he negotiated with the Russian ambassador at Washington, and through his intervention the Second Hague Peace Conference was postponed so as not to conflict with that of the American republics at Rio de Janeiro.³¹ Secretary Root felt the importance of the American conference to such a degree that he himself made arrangements to accept the invitation of the Brazilian Government to be present, and he actually attended in person the opening session of July 31, 1906.

His address on that occasion, in the presence of the representatives of all the Americas, struck a resounding note, which still reverberates throughout the American continent.³² The principles that he announced and the attitude of the United States that he there defined are as the corner-stone of the new Pan-Americanism. Many Americans to the south of the Rio Grande look upon Secretary Root's pronouncement as the Magna Charta of the Americas. The views that he expressed are fortunately familiar, but his exact language cannot be too often quoted:

“We wish for no victories but those of peace; for no territory except our own; for no sovereignty except sovereignty over ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empire; and we deem the observance of that respect the chief guaranty of the weak against the oppression of the strong. We neither claim nor desire any rights or privileges or powers that we do not freely concede to every American republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit; but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and a common growth, that we may all become greater and stronger together.”

Such was the statement of the Secretary of State, speaking in South America, in behalf of the United

States. He followed this declaration of principle by an appeal to the representatives of the Americas there assembled:

“Let us unite in creating and maintaining and making effective an all-American public opinion, whose power shall influence international conduct and prevent international wrong, and narrow the causes of war, and forever preserve our free lands from the burden of such armaments as are massed behind the frontiers of Europe, and bring us ever nearer to the perfection of ordered liberty.”

Deep as was Secretary Root's interest in the conference, he felt that its meeting was likely to be greater than its measures; that it was but one step in a continuous advance, the goal to be reached only in the fullness of time. “Not in a single conference, nor by a single effort,” he concluded, “can very much be done. You labor more for the future than for the present; but if the right impulse be given, if the right tendency be established, the work you do here will go on among all the millions of people in the American continents long after your final adjournment, long after your lives, with incalculable benefit to all our beloved countries, which may it please God to continue free and independent and happy for ages to come.”

Leaving Brazil, Secretary Root visited Uruguay, Argentina, Chile, Peru, Panama, Colombia, and Mexico. In all of these countries he delivered notable addresses. His doctrine was aptly called by Robert Bacon, then his colleague in the Department of State, one of “sym-

pathy and understanding, of kindly consideration and honorable obligation.”³³

In an intimate letter to Senator Lodge, under date of October 2, 1906, President Roosevelt wrote: “Root is back from his wonderful trip. We in this country do not realize how wonderful it was and how much good he has done.”³⁴ Latin America does realize this, and Mr. Root is today, in every part of its vast territory, more venerated than any other North American of his day and generation.

Secretary Root's interest in Latin America always characterized his foreign policy. It was especially marked in his visit to Latin America, and while it cannot have a nobler monument than the series of notable addresses which he delivered on that occasion, his interest is also visible for years to come in the graceful and artistic Palace of the Americas in Washington. The ground upon which it stands was deeded, at his suggestion, by the Congress of the United States, to the twenty-one republics, and the building, not inappropriately termed “palace,” in which the representatives of the Latin-American states meet under the chairmanship of the Secretary of State of the United States and discuss their common interests, is a gift from the late Mr. Andrew Carnegie, made at the instance of Secretary Root.

The conference of the nations at The Hague which was postponed in order that the Americas might not be discommoded met in that city on June 15, 1907. An invitation had been extended by the Government of the Netherlands, at the request of Russia, to each one of the American republics. With the exception of Costa Rica they were all represented, although the delegates

from Honduras arrived too late to participate in the closing proceedings and did not, therefore, affix their signatures to the conventions and declarations. In the first of the conferences only those nations accredited to the Court of St. Petersburg had been invited to attend. As Brazil had failed to do so, Mexico and the United States had been the only American republics attending and taking part. At the second of the Pan-American conferences Mexico and the United States were requested by the representatives of the American republics to take steps that would result in America as a whole being invited to a second Hague conference.³⁵ With the approval of Mexico, the negotiations were conducted by Secretary Root in Washington.

It is an open secret that Europe was not then anxious to have the American republics invited. Secretary Root, however, was unwilling to have the conference meet in the absence of the American republics. Russia yielded and the invitations were extended.³⁶

With a single exception the conventions and declarations of the First Hague Conference were what was called "open," in the sense that any power not invited to the conference could adhere to the results of its labours and thus be a party to all of its conventional acts. The exception was the Pacific Settlement Convention, dealing with good offices and mediation, commissions of inquiry, arbitration, and arbitral procedure, to which non-signatories could adhere only in pursuance of an agreement with the signatory and ratifying powers. Secretary Root secured the terms of an acceptable protocol, and on June 14, the day preceding the formal opening of the conference, the representatives of the

Latin-American states signed it at The Hague and were thus entitled to participate in the conference upon a footing of equality with all of its members.

Secretary Root believed, and rightly, that the American representatives would distinguish themselves even in an international gathering such as the conference at The Hague and that their presence would be an education to the representatives in international thinking and in international acting. In neither concept was he mistaken, for the conduct of the Latin-American delegates at that conference made it impossible to omit them from any conference in which the nations at large should take part.

It is not to be expected in a brief survey of Mr. Root's secretaryship that the proceedings at the conference can be described in detail, or that its conventions and declarations should be analysed.³⁷ The presence at The Hague of the representatives of forty-four nations, for a period of four months, discussing in times of peace the methods of its preservation and the rules for the conduct of war on land or on sea to bind the nations if, unfortunately, peace should be disturbed in any part of the world, was greater than any of its results, however great they might be.³⁸ However, another observation should be made.

Germany was anxious to have the question of the limitation of armament excluded from the program. To this Secretary Root was unwilling to agree, even although President Roosevelt urged him to do so in the interest of the conference. He refused, only consenting that the American delegation should not bring up the subject; but if brought up, the American members should support

it.³⁹ It was brought up by Great Britain, and Joseph H. Choate, head of the American delegation, supported the limitation of armament on behalf of the United States.⁴⁰ It should be said in justice that Italy reserved the right to bring up the question, but later expressed the intention neither to participate in the discussion nor to vote on the question.⁴¹

The instructions which Secretary Root prepared for the American delegation have been published, not only in the *Foreign Relations of the United States*, but in separate form, and in French. They are universally regarded as models of what such instructions should be. A passage that has met with world-wide approval relates to the extent to which the American delegates should urge their projects. It stated that they should not be pressed to the point of irritation—a precept which nations at that conference and at subsequent gatherings have not always observed.

Secretary Root instructed the American delegation to advocate the time-honoured American doctrine of the immunity from capture of private, unoffending property upon the high seas. It was considered, but lost, owing to the opposition of Great Britain. He advocated the conclusion of general treaties of arbitration, but owing to the opposition of Germany, all proposals of this kind failed. During the course of the conference he directed the American delegation to support the proposal made by Germany and Great Britain for the establishment of an international court of prize; and later, when the convention was adopted by the conference, but held up by Great Britain until agreement should be had upon the law to be applied by the court, Secretary Root had

the United States represented in the Naval Conference of London, in the course of 1908-1909, called for the purpose of supplying the law of the seas, and directed the American delegates to append their signatures to the Declaration of London.⁴² Still later, as senator from New York, he secured the advice and consent of the Senate to its ratification, April 24, 1912,⁴³ but the failure of Great Britain to ratify prevented the declaration from becoming law, and also prevented the establishment of the court of prize in which that law was to be administered.

The most startling project that Secretary Root directed the American delegation to lay before the Second Hague Peace Conference was the proposal to establish a permanent court of international justice, to be composed of judges acting under a sense of judicial responsibility, who should, in their personal experience, represent the principal systems of law obtaining in the world.

A draft convention, consisting of some thirty-five articles, was agreed to, dealing with the organization, jurisdiction, and procedure of such a body.⁴⁴ Owing to the limited time at its disposal, and the difficulty of the subject presented for the first time, the conference was unable to agree upon a method then generally acceptable to the powers for the appointment of the judges. It was reserved for Secretary Root, thirteen years later, at The Hague, to propose the method of constituting the court that he had advocated in his instructions, and thus to bring into being the Permanent Court of International Justice,⁴⁵ which bears an appreciable relation to the Supreme Court of the United States.

The extent to which the conference was advancing towards peaceable settlement at the sacrifice of old practices was not pleasing to several of the powers. It was doubtful whether some of the larger ones would be willing to meet again in conference. The American delegation had been directed by Secretary Root to secure the acceptance of a proposal for the calling of a third conference, which should, if possible, be withdrawn from the control of Russia, or of any other single power. After much difficulty the American proposal was accepted by Russia and adopted by the conference. The World War prevented its meeting, and the Second Hague Conference still awaits a successor.

While arbitration cannot be said to be originally a purely American doctrine, it was, nevertheless, through Jay's Treaty of 1794 with Great Britain that modern arbitration came again into repute and practice in the modern world. The First Peace Conference of 1899 had endeavoured to agree upon a treaty of general arbitration, but its success had been limited to the institution of the Permanent Court of Arbitration, a purely optional tribunal for litigants who might agree to arbitrate particular disputes. Between the first and the second Hague conferences, great progress had been made, and the United States had negotiated treaties of arbitration with France and Great Britain, by which questions of a judicial nature were to be submitted to temporary tribunals of arbitration to be constituted in accordance with the provisions of the Pacific Settlement Convention adopted by the conference of 1899.

It was necessary for the nations to agree in advance upon the judicial nature of each dispute to be submitted;

and a special agreement defining the questions at issue had to be negotiated and ratified for each case. In the treaties formerly proposed by Secretary Hay, the President, through his Secretary of State, would have been authorized to frame the special agreement, or *compromis*, with the foreign power for such arbitration; but the Senate had amended the treaties so that the special agreement in each case would require to be submitted to and approved by the Senate. In other words, the special agreement was to be a real treaty. Secretary Hay disapproved, and advised President Roosevelt not to attempt to secure an agreement of the powers to their modification. Secretary Root now felt that the agreement to submit to arbitration disputes of a judicial nature was in itself an immense advance. Therefore, after the adjournment of the Second Conference, he set to work to conclude a series of treaties of this kind, frankly accepting the requirement of the Senate that the special agreement should also be advised and consented to by that body as a formal treaty. In the course of 1908-1909 he had concluded no less than twenty-five treaties of this kind with the leading nations of the world, with the exception of Germany.⁴⁶

The first was with France. It bore the date of February 10, 1908. Its first article bound the two countries to refer to the Permanent Court of Arbitration of the First Hague Conference "differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy," reserving from the obligation questions affecting "the vital interests, the independence, or the honor of the two

Contracting States, and" which "do not concern the interests of third Parties." This clause appeared in all of the treaties, as also the requirement for the submission of the special agreement to the Senate.

The treaty with Great Britain of April 4, 1908 contains a clause of no little interest in the development of Great Britain and its self-governing colonies into the sovereign parts of the British commonwealth of nations. The concurrence of a self-governing dominion of the British Empire was to be obtained by His Majesty's Government before concluding the special agreement.

CHAPTER IV

DIFFICULTIES WITH COLOMBIA

IN 1903 a revolt broke out in Panama, then one of the United States of Colombia. Panama had been a great asset to Colombia, separating, as it did, the Atlantic and Pacific Oceans by a narrow neck of land forty miles wide. There had been many suggestions that a canal should be dug somewhere across the Isthmus, and the two oceans united. The increasing necessity of such a water route to the United States from 1846 to the close of the nineteenth century, and the diplomatic problems to which it gave rise, have occupied many pages of this volume, and of the last four volumes of this series. Nearly every Secretary of State since Buchanan's time had had to deal with some phase of the Isthmian problem, which had become greatly complicated rather than simplified by the articles of the Clayton-Bulwer Treaty⁴⁷ of 1850, by which Great Britain and the United States were to be partners, so to speak, in the construction and control of any Isthmian canal. The reader of previous sketches of this series has seen how that partnership, accepted by Secretary Clayton, had become increasingly irksome, and how Great Britain had turned a deaf ear to our request to dissolve it.

With the settlement of the Pacific Coast, and the material growth of the United States, its Government became anxious to dissolve the partnership and to construct and control the route. Repeated requests were

made upon Great Britain to abrogate the treaty, which would allow the United States to construct the canal without British aid or approval. These requests Great Britain refused.

In the Spanish-American War, Great Britain had remained neutral, but at a critical moment it had intervened to prevent German interference with the bombardment of Manila by Admiral Dewey's fleet. The friendly relations established on this occasion and in other ways led to a renewal of negotiations for the abrogation of the treaty. Secretary Hay's first treaty having failed in the Senate, his second, November 18, 1901, fared better and was not inappropriately proclaimed on Washington's birthday of the following year. The way was now clear for the construction of the canal, inasmuch as the Government of the United States had decided in favour of the Panama in preference to the Nicaraguan route.

Panama was originally Colombian territory, and Colombia, therefore, had to be reckoned with. A treaty was negotiated by Secretary Hay with Mr. Herrán, chargé d'affaires of Colombia at Washington, on January 22, 1903, by the terms of which the Government of the United States obtained the right to cut the canal across the Isthmus of Panama for "the sum of ten million dollars in gold coin of the United States on the exchange of the ratification of this convention after its approval according to the laws of the respective countries, and also an annual payment during the life of this convention of two hundred and fifty thousand dollars in like gold coin, beginning nine years after the date aforesaid."⁴⁸ The treaty was ratified by the United States

on March 17, 1903, but Colombia refused to ratify. On the 3rd of November of the following year the revolution broke out in Panama against Colombia. Three days later the Government of the United States recognized the independence of Panama and subsequently refused to permit Colombia to send troops to the Isthmus to recover the lost province. A treaty with the new Republic of Panama was concluded, November 18, 1903, by which the Government of the United States guaranteed the independence of Panama and, for the sum of "ten million dollars (\$10,000,000) in gold coin of the United States on the exchange of the ratification" of the convention, "and also an annual payment," during its enforcement, "of two hundred and fifty thousand dollars (\$250,000) . . . beginning nine years after the date aforesaid," obtained the lease, or the right of way "in perpetuity," to the Canal Zone, through which the canal was to pass.

Secretary Root justified the recognition of Panama's independence, as appears from an address that he delivered on "The Ethics of the Panama Question."⁴⁹ He was, however, strongly of the opinion that President Roosevelt's Administration should, before its close, reach a settlement of the outstanding difficulties between Colombia and the Government of the United States. The Colombian Government of that day was anxious to reach an agreement and invited Secretary Root, on his return from his South American visit, to repair to Bogotá. This he did, and as the result of the visit the Colombian Government transferred Dr. Enrique Cortés from London to Washington to undertake the necessary negotiations.

There is no space here to go into the details of the Root-Cortés negotiations. Three treaties for the full settlement of the difficulties arising out of the separation of Panama were signed, on January 9, 1909.⁵⁰ One was between Colombia and the United States, one between Panama and the United States, and the third between Colombia and Panama. The first two were submitted to the Senate of the United States and approved by that body during the secretaryship of Robert Bacon, Secretary Root's successor. Colombia, however, was unable to ratify those that its plenipotentiary signed; and a revolt drove General Reyes, the President of Colombia, who had undertaken the negotiations, from his office. Inasmuch as these treaties were of a tripartite nature, Colombia's failure to ratify rendered the treaty between the United States and Panama non-operative.⁵¹

CHAPTER V

NORTH ATLANTIC FISHERIES ARBITRATION

WHEN Mr. Root accepted the Secretaryship of State, he did so with the intention of getting out of the way, if the opportunity should afford itself, the historic and at this time the great outstanding dispute between Great Britain and the United States. It would seem that he was determined to raise the fishery question by taking advantage of an incident otherwise unimportant in order to bring up the entire question and to settle it amicably. Experience with the Alaska boundary had shown him that questions which otherwise might assume alarming proportions could be settled in an atmosphere of friendship and mutual confidence, provided they were handled before an acute issue could arise. Therefore Secretary Root visited in person the fishing-grounds in Newfoundland and Canada and informed himself on the spot of the ways of the fishermen, their customs, and their needs. Shortly after his return to the United States and the actual assumption of his duties of Secretary, an opportunity was presented. In October 1905 it was reported that Newfoundland had forbidden American vessels to fish in its territorial waters, which they were entitled to do under the convention of 1818. This turned out to be a rumour without foundation. It appeared, nevertheless, to be a fact that several American vessels had been ordered by the

Newfoundland authorities not to fish in Bonne Bay, where American citizens had a right to take and catch fish. The source of the trouble was none other than that treaty with Great Britain by which the independence of the United States was recognized. The American negotiators at that time insisted that they should enjoy the *right* of fishing in British-American waters which they had enjoyed before the Revolution. The British negotiators in 1782-1783 refused to accept this contention. As the result of much discussion an agreement was reached, contained in the third article of the definitive treaty of September 3, 1783, by which the Americans were to have the right to fish "in the open seas"—a right which was theirs under the law of nations—and the *liberty* "to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use."

It is to be observed that in the case of the high seas the word "right" is used, whereas "liberty" was to be enjoyed within British waters. The distinction between the two words seems to be that the enjoyment of a right is not a grant, whereas a liberty is the grant of a privilege to be exercised within the jurisdiction of the country making it. Many years after the event, John Adams, one of the negotiators, told how the Americans yielded. The British said "it [liberty] amounted to the same thing, for liberty was right and privilege was right; but the word *right* might be more displeasing to the people of England than *liberty*; and we did not think it necessary to contend for a word."⁵²

The concession proved unfortunate. As long as peace was preserved between the two countries, the enjoy-

ment of the grant would seem to be guaranteed under the treaty, but the outbreak of the War of 1812 changed matters, as Great Britain claimed that "all treaties are put an end to by a subsequent war between the same parties."⁵³ The American contention, on the other hand, was that this part of the treaty in principle was not abrogated, but only suspended during the war. There was no difficulty as regards the acknowledgment of the right, but according to the British contention the grant of a privilege, such as liberty was held to be, would fall with the treaty creating it.

The liberty had also been granted in the treaty of 1783 to dry and cure fish on certain portions of British territory. This liberty was held likewise to be lost with the treaty. There was no fisheries article in the treaty of peace signed at Ghent on December 24, 1814. It had, therefore, to be obtained, if at all, by subsequent negotiation. Gallatin and Rush, specially authorized for the purpose, negotiated for the United States the convention of October 20, 1818, which secured for American fishermen the liberty to fish in British waters within certain prescribed geographical limits, and to dry and cure their fish in specified portions of Newfoundland and the coast of Labrador until they should become settled. The consideration for what the British called a new grant (the other having perished with the treaty creating it) was the renunciation of the liberty to fish within specified portions of the British waters; the new liberty was to take fish in common with British subjects.⁵⁴ American fishermen would only be admitted to unspecified bays and harbours "for the purpose of shelter and of repairing damages therein, of purchasing wood,

and of obtaining water, and for no other purpose whatever" (Article I). There was a further limitation, that American fishermen were to be "under such restrictions as may be necessary to prevent their taking, drying or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

Here was a fertile field for controversy. According to the British conception, Great Britain would be entitled to regulate fishing as to time, place, and manner, and the Americans be obliged to conform to such regulations, as their liberty was to be exercised in common with British subjects. Local legislation might seem reasonable to local fishermen, but unreasonable and unacceptable to fishermen many miles from home. If Great Britain possessed this right, it might be exercised in such a way as to deprive the Americans of fishing. The line between fair and unfair regulation must needs be drawn somewhere. The American contention was that regulations should not be made without the consent of the American Government, apparently on the theory that a common fishery should be regulated in common.

The Americans renounced in 1818 the liberty "to take, dry, or cure fish on, or within three marine miles of any of the coasts, bays, creeks, or harbours" not specifically assigned to them. From what points on these coasts, bays, creeks, or harbours were the three marine lines to be drawn? The British contention was from headland to headland. The American contention was that the three-mile line was to follow the sinuosities of the coasts, bays, creeks, or harbours, which would allow the Americans to fish three miles from any of the coasts and to enter and fish within large bays, which

included some of the best fishing-waters, provided they did not approach within a line three miles from the land.

The American contention was presented in Secretary Root's note of June 30, 1906 to Whitelaw Reid, United States ambassador near the Court of St. James's in which he said that the Government of the United States,

"is willing and ready now, as it has always been, to join with the Government of Great Britain in agreeing upon all reasonable and suitable regulations for the due control of the fishermen of both countries in the exercise of their rights, but this Government can not permit the exercise of these rights to be subject to the will of the colony of Newfoundland. The Government of the United States can not recognize the authority of Great Britain or of its colony to determine whether American citizens shall fish on Sunday. The government of Newfoundland can not be permitted to make entry and clearance at a Newfoundland custom-house and the payment of a tax for the support of Newfoundland light-houses conditions to the exercise of the American right of fishing. If it be shown that these things are reasonable the Government of the United States will agree to them, but it can not submit to have them imposed upon it without its consent."⁵⁵

The question, therefore, was one of principle, and neither side being willing or, indeed, able to renounce its contention, arbitration was called in to help the two countries out of their difficulty. The arbitration convention of 1908 between the two countries was availed

of, and a special agreement containing the questions to be submitted to arbitration was drawn up by Secretary Root on behalf of the United States, and James Bryce, then British ambassador, on behalf of Great Britain. The agreement was dated January 27, 1909 and was the last important document to which Mr. Root affixed his signature as Secretary of State. Five arbitrators were appointed: Mr. George Gray from the United States, Sir Charles Fitzpatrick from Great Britain, and three members agreed upon by consent of the two parties in controversy—Dr. Drago of Argentina, Dr. Savornin Lohman of Holland, and Dr. Lammasch of the Austro-Hungarian monarchy as umpire.

The question was argued elaborately during the summer of 1910 by British and American counsel at The Hague. Mr. Root, then Senator of the United States, had the privilege of arguing, as leading counsel on behalf of his country, the question that he had raised, and through arbitration to have it settled in a way that has proved satisfactory not only to the United States, but to the British Empire as well. The arbitration under the special agreement settled the controversy to which it related. It would have gone out of existence with the settlement of the case if it had been an ordinary agreement. It was not. Article IV contained a provision that the tribunal should recommend a method of settling disputes which should arise in the future, and if the procedure was not accepted by the high contracting parties, that the difference should be submitted to arbitration at The Hague. This the two countries regarded as a continuing obligation.⁵⁶ The method proposed by the tribunal was accepted, and, as so often happens, the

mere existence of a right to submit disputes to arbitration led to a direct adjustment of the difficulty by the parties in interest without further proceedings. By taking advantage of the friendly relations between the two countries, a treaty was concluded by Mr. Chandler P. Anderson on behalf of the United States, and Alfred Mitchell Innes, British chargé d'affaires, on behalf of Great Britain, under date of July 20, 1912, which seems to have removed the fisheries from the field of controversy.⁵⁷ Mr. Root's presentation of the case not only convinced the tribunal, but has already taken its place as a model of what an international argument should be.

CHAPTER VI

REORGANIZATION OF THE STATE DEPARTMENT

WHEN an institution has been created and is in existence, its administration becomes of the first importance. An institution cannot run of itself. If it is administered in accordance with the reason of its creation, its success may be predicted. If, on the other hand, it is left to administer itself, the most that can be hoped is that it may have some measure of success. The Department of State had been created by act of Congress in 1789, and under it the President is his own Minister of Foreign Affairs, at least if he cares to be such and has time to devote to the foreign policy of the United States. The framers of the statute creating the Department were of the opinion that the President would need a Secretary of State who would take his directions. In the course of time it has become more than obvious that the Secretary of State cannot carry out either the President's directions or his own foreign policy, which has had the approval of the President, without an efficient diplomatic and consular service to carry out instructions. Foreign countries have found by experience that diplomacy should be a career, and that the consular service should be a career, although not perhaps to the same extent. The United States had not taken as yet the first step to make either the diplomatic or the consular service a profession and a career.

There was a difficulty in the way, in that the President is empowered by the Constitution to appoint officers of the United States subject to the confirmation of the Senate. Of this power he cannot be deprived by act of Congress. It was, however, possible for him to prescribe rules and regulations for both of these services by executive order, which, of course, would bind only himself, and only so long as he himself would care to be bound. His successor would have a free hand in the matter. This was the way out of the difficulty.

It was, however, easier to take care of the diplomatic service by executive order, and by "indirection to find direction out," as in the case of the consular service. The wisdom and ingenuity of Secretary Root were equal to each case, and President Roosevelt was in sympathy with the reform of both services that the Secretary of State had in mind.

First, of the diplomatic service. Shortly after Secretary Root's entrance upon the duties of his office President Roosevelt issued, on November 10, 1905, the following executive order, which was to be the first step towards professionalizing the foreign service of the United States:

"It is hereby ordered that vacancies in the office of secretary of embassy or legation shall hereafter be filled

"(a) By transfer or promotion from some branch of the foreign service, or

"(b) By the appointment of a person who, having furnished satisfactory evidence of character, responsibility, and capacity, and being thereupon selected

by the President for examination, is found upon such examination to be qualified for the position.”⁵⁸

On the same day the Secretary of State continued the presidential order by one of his own. By its terms a board was to be appointed consisting of the Second Assistant Secretary of State, the solicitor for the Department of State, and the chief of the Diplomatic Bureau, to determine by proper examination in Washington the qualifications of such persons. The examinations were to be oral and written, and to include international law, diplomatic usage, and modern languages. One foreign language was to be required, which might be either that of the country in which the embassy or legation is located, or French. The examining board was authorized to issue notices and to make such rules as it might deem necessary, and, immediately upon the conclusion of such examination, to report to the Secretary in writing, “stating whether in its judgment the candidate is or is not qualified for the particular position applied for, and if the decision is adverse to the candidate, also briefly summarizing the grounds of such decision.”⁵⁹

The order did not affect ambassadors or ministers, although it was doubtless presumed that in the course of time even they could be selected from the young men whose capacity for diplomatic appointment had been decided by examination. The way, however, is open to appoint to the higher posts persons of recognized fitness who may not previously have been in the diplomatic service. This happens even in those countries where diplomacy is a career. The President was to designate the young men for the examinations, and in this way it

was possible to take note of the geographical divisions of the country, as in the other appointments. The system inaugurated by Secretary Root was successful. President Roosevelt's order was retained by President Taft and by each succeeding President. It has been modified, of course, by experience, but it has opened the way for a career in the diplomatic service to those who may wish to follow it.

The consular service was more difficult, but the solution was found. By section 1753 of the Revised Statutes, the President was authorized "to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof." Secretary Root took advantage of the act of Congress of April 5, 1906 "for the reorganization of the civil service." It was only necessary to bring the consular within the Civil Service, leaving, of course, the appointment of consuls-general and consuls in the Civil Service of the United States to be subject in the future as in the past to confirmation by the Senate.

President Roosevelt issued, under date of June 27, 1906, regulations governing consular appointments and promotions. Appointments from the outside were to be made upon examination; appointments within the service, according to the capacity shown in the performance of duties. As in the diplomatic, so in the consular service, the initiative taken by Secretary Root has found favour with his successors. Experience has pointed the way to modification, and today there is an efficient consular as well as diplomatic service. By an act "For the reorganization and improvement of the Foreign Service of the United States, and for other purposes," of May

24, 1924—known as the Rogers Act⁶⁰—the two services constitute two branches of one and the same service, with power on the part of the President to transfer an efficient consul to the diplomatic service, and a diplomatic agent to the consular service, whenever such transfer should appear to be desirable.

It was one thing to have an efficient diplomatic and consular service appointed by examination and promoted by merit. It was more necessary to have the dispatches and documents coming from one or other of these services classified and arranged in such a way as to be at the disposal of those who were obliged to consult them.

There appears to be a distaste on the part of the political organizations to change their methods, and the documents reaching the State Department were kept, at the time of Secretary Root's appointment, much in the same way as they had been under Secretary Jefferson's tenure of the office.

Two notable changes had been made. The invention of the telegraph enabled the Secretary of State to communicate with the Secretary of War, for instance, in the same building, by dictating a telegram, calling a messenger from the telegraph office, and having the message delivered without causing either of the Secretaries to leave his desk to walk a few steps to the office of the other! This was the method in force when Mr. Root became Secretary of State. The installation of the telephone had made it possible for Secretary to communicate orally with Secretary, and even, in appropriate cases, with the outside world, without leaving his desk. It was used with caution, however. But today

telegrams are no longer necessary, for these officials meet face to face in their respective offices, or communicate by means of the telephone. Departments move, if slowly.

Secretary Root was not pleased with the arrangement and classification of official documents, which had been established in the first century of the Department's existence. He had been Secretary of War, and in that Department there had been devised and introduced an excellent system, due to the energy and ingenuity of General Ainsworth. With that system, by means of cards, it was possible to trace, for example, the entire career of an officer, from his entrance in the army to the date in question, and the papers relating to his career could be examined at a moment's notice.

Secretary Root desired to have such a system introduced in the State Department, so that by proper indexes giving the history of each document and a reference to its exact location, the information contained by each and every document could be placed at the Secretary's disposal with ease and dispatch.

An employee of the War Department familiar with the system was transferred to the Department of State, and a new system was introduced. Three employees of the State Department were detailed to the War Department to study the system. This was in 1906. Changes have been made and will no doubt continue to be made in order to render the system more efficacious, but it was Secretary Root who inaugurated the movement. Already some important series of documents since the beginning of the State Department have been indexed.

The first step is always the most important. Secretary

Root had already taken three steps in the reorganization of the Department of State. His predecessors were accustomed to look upon themselves as superior to the other members of the Cabinet; and while it might be proper for them to appear before congressional committees and discuss the requirements of their respective departments, and to give explanations, it was inconsistent with the dignity of the Secretary of State to appear before the appropriate committees of the Senate or House. And yet the Committee of Foreign Relations of the Senate could prevent action upon a treaty or convention by refusing to report it to the Senate; and the disapproval of the Committee of Foreign Affairs of the House would interfere with appropriations needed to carry out the terms of a treaty, which, under the Constitution, can only originate in the House.

A superficial reading of the proceedings of the Federal Convention of 1787 shows that it was the desire of the Congress to take charge of foreign affairs, but, recognizing that a numerous body could not negotiate so easily or rapidly as a single person, the initiative and the duty of conducting the negotiations were conferred upon the President, subjecting his action to the advice and consent of the Senate. The treaty-making proverb would be: "The President proposes, but the Senate disposes." How could the Senate be made to "dispose" as the Chief Executive desired? There was apparently no doubt in the early days of the Republic as to what the Constitution meant when it accorded the President the power "by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur." The President was ex-

pected to ask the advice of the Senate in advance of negotiations; and the advice of the Senate had, in advance, and acted upon, made the consent of the Senate a foregone conclusion.

Such was the early practice, but within thirty years of the establishment of the Government under the Constitution, the President fell into the bad habit of negotiating without the advice of the Senate, in the belief that the consent would be forthcoming when the treaties were laid before that body. Experience shows that the President must explain his course of action, and it would seem to be the part of wisdom to explain in advance, rather than to defend his conduct after the event, when foreign nations had been led to believe that the draft of a treaty or convention approved by the President was, in effect, already binding upon the nations. Some Secretaries made a point of conferring with individual members of the committee; others indulged in informal dinners given to its members; others did neither; and the public business suffered. The strained relations between Secretary Root's immediate predecessor and the Senate were common knowledge; indeed, common talk.

As Secretary of War Mr. Root had been accustomed to appear before committees. Later, upon assuming the Secretaryship of State, he took measures to have himself invited by the chairman of the Senate Committee on Foreign Relations, so that the committee and the Secretary of State were able to discuss in an informal manner not only pending matters, but matters which the Secretary felt might properly be the subject of treaty or convention. The aloofness between the Department of State and the Senate committee ceased;

friendly feeling replaced antagonism and distrust to such a degree, indeed, that he assured, by his personal appearance before the committee, its approval of all of the conventions of the Second Hague Peace Conference, and of his own treaties of arbitration. The action of Secretary Root in this regard has already established a tradition.

CHAPTER VII

CHINA AND JAPAN

IN the course of his official duties it fell to Secretary Root to discuss from time to time questions relating to China and the United States and to consider at length problems in which Japan and the United States were interested. On October 8, 1908 Secretary Root signed an arbitration convention with China, which was in due course ratified and proclaimed. It was one of the series which he was at that time negotiating, and it had the usual provisions and limitations. In addition to matters that might be fairly considered of a non-European character, he had one of importance at the time, and of larger importance for the future. It was in the nature of unfinished business.

As Secretary of War Mr. Root had charge of the policy resulting in the intervention of the powers to end the Boxer troubles,⁶¹ and it was his good fortune to be able to take action then and thereafter pleasing to the Chinese Government in regard to the Boxer indemnity.

Both life and property were lost in the Boxer rebellion, and, as we know, at its conclusion the powers agreed, on September 7, 1901, upon a lump sum which China was to pay in satisfaction for the losses alleged to have been suffered by the powers whose interests were involved. Among these was the Government of the United States, which thought the indemnity asked

exorbitant, but felt that it would be a mistake to take less than its *pro rata*, in the belief, amounting almost to a certainty, that such action on its part would not lessen the liability of China, but would increase the shares of the other powers. Secretary Hay, therefore, on behalf of the Government, accepted the amount allotted to the United States. It was his intention (with which Mr. Root, as Secretary of War, was familiar, for he was associated in the negotiations at times, and during the illness of Secretary Hay conducted them) that the portion of the indemnity in excess of the just claims of American citizens should be remitted to China. A commission was appointed by the Government of the United States to pass upon these claims. Some that had been rejected were referred by Congress to the Court of Claims, awards being made in some cases. The payment of the balance of the indemnity was remitted.

It also appears that although no formal agreement was required of China for the remission on the part of the United States, an understanding was secured by Secretary Root to the effect that the money should be set aside as a special fund from which the expenses of Chinese students who should be sent by the Chinese Government to be educated in the United States were to be defrayed.

The indemnity amounted in round numbers to \$333,000,000, which sum was payable to the powers under the protocol of September 7, 1901,⁶² with interest at four per cent per annum, by instalments running through a period of thirty-nine years. The sum of \$24,440,778.81 was allotted to the United States. Losses to American interests and property were estimated at

\$12,479,657.05. The difference between these two sums the Government of the United States determined to renounce.⁶³

In communicating this intention to remit the payment of the balance of the sums to which the United States was entitled under the agreement of 1901, Secretary Root, in his note of January 15, 1907, addressed to the Chinese minister in Washington, said:

“It was from the first the intention of this Government at the proper time, when all claims should have been presented and all expenses should have been ascertained as fully as possible, to revise the estimate and account against which these payments were to be made, and, as proof of sincere friendship for China, to voluntarily release that country from its legal liability for all payments in excess of the sum which should prove to be necessary for actual indemnity to the United States and its citizens.”

The remission was gratefully accepted by the Chinese Government, on behalf of which the Prince of Ch'ing, President of the Chinese Foreign Office, stated in a note, dated July 14, 1908, to the Honourable William Woodville Rockhill, then American minister to China:

“The Imperial Government, wishing to give expression to the high value it places on the friendship of the United States, finds in its present action a favorable opportunity for doing so. Mindful of the desire recently expressed by the President of the United States to promote the coming of Chinese

students to the United States to take courses in the schools and higher educational institutions of the country, and convinced by the happy results of past experience of the great value to China of education in American schools, the Imperial Government has the honor to state that it is its intention to send henceforth yearly to the United States a considerable number of students there to receive their education. The board of foreign affairs will confer with the American minister in Peking concerning the elaboration of plans for the carrying out of the intention of the Imperial Government."

This is not an isolated case. Many years before, in 1863, the Strait of Shimonoseki, improperly closed to commerce, was opened by the joint action of France, Great Britain, Holland, and the United States. An indemnity, amounting to three million dollars, was exacted from Japan. "After some delay and great embarrassment, because of the poverty of the treasury," the debt was paid, each participating nation receiving an equal share. The action of the United States and the action of the other powers is thus stated by the late John W. Foster, in his *American Diplomacy in the Orient*.⁶⁴

"The sum paid to the United States remained in the treasury unused for twenty years. The public conscience was troubled as to the justness of the exaction, and in 1883 by an act of Congress the amount received was returned to Japan, and accepted by that government 'as a strong manifestation of that spirit of justice and equity which has always animated the

United States in its relations with Japan.' None of the other three nations partaking of the indemnity have seen fit to follow this example."

In the case of the Boxer indemnity some of the other nations have seen fit to follow this example. In the treaties of peace ending the World War of 1914-1919 China was released from the obligation of further payments to Austria and Germany under the protocol of September 7, 1901. Japan has taken steps to remit its unpaid share; France, by a law of March 26, 1922, provided that its part should be used for the rehabilitation of the Banque Industrielle de Chine, which had become bankrupt. It has been rumoured that Italy and Belgium intend to remit the amounts due them. Russia, by a declaration annexed to the Sino-Russian agreement for the provisional management of the Chinese Eastern Railway, signed May 31, 1924, stated that the portion of the indemnity renounced by it should be used "to create a fund for the promotion of education among the Chinese people." The instalments paid by China to Great Britain since December 1922 have been deposited in a "suspense account" with the Hongkong and Shanghai Banking Corporation, and the payments made from this date to December 1945, when they will cease, are, according to the terms of the China Indemnity (Application) Act of the British Parliament, dated June 30, 1925, to be applied "to such educational or other purposes" as, "in the opinion of the Secretary of State for Foreign Affairs," are "beneficial to the mutual interests of His Majesty and of the Republic of China," and which the Secretary of State, after consultation with

the advisory committee, also provided for under the act, is to determine.⁶⁵

In the summer of 1905, when Mr. Root was appointed Secretary of State, American relations with Japan were friendly; indeed, they were confidential. For the past century and more the relations with Russia also had been most friendly, and the autocratic empire had even used its good offices in behalf of the Western Republic.

During the Russo-Japanese War sentiment veered from Russia, our old friend, to Japan, for which we felt somewhat responsible, apparently on the ground that we had brought it into touch with the outside world through Commodore Perry's expedition and his treaty with the Island Empire. We were touched with pride at the success of Japan, which we generously ascribed to our initiative. But on this occasion our sympathy was due in large measure because we felt that an unequal contest had been forced upon Japan. The victorious march of Japanese armies towards the heart of Manchuria, the destruction, on May 27-29, 1905, of the Russian navy by the Japanese fleet in the Sea of Japan, sent a thrill through the American people. Japan, however, felt that the war had gone far enough—that it was an immense burden to carry on further, and that fortune, which had hitherto smiled, might frown. Therefore the Japanese Government asked the good offices of President Roosevelt for the negotiation of peace.⁶⁶

The President extended his good offices, with the result that peace between the two great nations (for Japan was now recognized as one of the great powers) was signed at Portsmouth, New Hampshire, on September 5 (August 23), 1905. Although Secretary Hay had begun

the negotiations, Secretary Root was in office when the treaty was concluded.

Secretary Hay's protracted illness, resulting in his death at this time, and Mr. Root's assumption of the Secretaryship of State after the negotiations were well under way, caused President Roosevelt to be largely his own Secretary of State in the negotiations.⁶⁷

The skies were unclouded and only confidence and good will appeared upon the horizon. Within a few months, however, the confidence and good will of half a century seemed in danger of being overcast.

The people of California had discriminated against the Japanese by a statute authorizing the board of school trustees "to exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases, and also to establish separate schools for Indian children and for children of Mongolian or Chinese descent,"⁶⁸ with the further provision that when these separate schools had been established, the Indian, Chinese, or Mongolian children should not be admitted into any other school. The board of education of San Francisco then appeared upon the scene with a resolution, under date of October 11, 1906, directing principals to send "all Chinese, Japanese, or Korean children to the Oriental Public School . . . on and after Monday, October 15, 1906."

Many Americans feel that our Indians have not been treated as they should have been; in any event, they have not been treated as equals. Chinese have been excluded by both statute and treaty; and the Japanese, falling under the designation "Mongolians," were to be treated as these two classes. Then, too, their inclusion

in the same sentence with "children of filthy or vicious habits, or children suffering from contagious or infectious diseases," was not calculated to allay irritation. The action of the California authorities was unacceptable, and the language in which it was couched was certainly as unfortunate as their action, perhaps even more so. It may be said in behalf of the authorities of the state that the children attending the public schools were for the most part of tender years, whereas the Japanese taking advantage of the schools were often adults, so that separation by age rather than by race might have appeared justifiable. Still, the fact that persons of foreign descent other than those mentioned in the statute were not excluded by its operation from the public schools was a discrimination which the Japanese did not expect at the hands of a friendly people, and which they were unwilling to accept.

President Roosevelt promptly requested the California authorities to come to Washington, and, in a series of interviews with them, the views of the "wiser counsel" prevailed and a crisis in the affairs of the two countries was happily averted.

No one felt more keenly than Secretary Root the impropriety of the action taken by the California authorities, and the discourteous way in which it had been accomplished. He set forth his views at length in an address that he delivered before the American Society of International Law at Washington on April 19, 1907, from which a quotation here and there may be made.⁶⁹ "There was," Mr. Root said, "no real question of power arising under this Japanese treaty [of 1894] and no question of state rights." He continued: "There were,

however, questions of policy, questions of national interests and of state interests, arising under the administration of the treaty and regarding the application of its provisions to the conditions existing on the Pacific coast." With a slight interruption, he proceeded: "These three interests could not be really in conflict; for the best interest of the whole country is always the true interest of every state and city, and the protection of the interests of every locality in the country is always the true interest of the nation." He added, however: "Such a concert of action with such a purpose was established by the conferences and communications between the national authorities and the authorities of California and San Francisco which followed the passage of the Board of Education resolution."

These statements were just in themselves, but they were by way of introduction. "There was one great and serious question underlying the whole subject," Mr. Root observed, "which made all questions of construction and of scope and of effect of the treaty itself . . . seem temporary and comparatively unimportant." What was this question? "What state of feeling would be created between the great body of the people of the United States and the great body of the people of Japan as a result of the treatment given to the Japanese in this country? . . . The great question which overshadowed all discussion of the treaty of 1894 was the question: Are the people of the United States about to break friendship with the people of Japan? . . . That question," he said in conclusion, "has been happily answered in the negative."

These phrases from Mr. Root's address show that

the preservation of friendship with Japan was to be the purpose of his policy in questions affecting that great country. His supreme triumph in that policy was what is called the "Gentleman's Agreement." Treaties that do not express the real sentiment of the countries concluding them are destined to be of short duration, whereas unwritten agreements will last as long as the parties in interest care to observe them.

The Japanese question had come to the surface. The people on the Pacific Coast were apprehensive lest large numbers of Japanese should settle among them. The question was delicate alike for Japan and the United States.

It happened that Japan was recovering from a war which had been a great drain upon its resources, and that it needed its people in the Island Empire and its outlying possessions. Therefore Japan preferred to keep its people where they could be of service in the development of the Empire; but it was unwilling that they should be discriminated against should they go to foreign parts. Japan was, however, willing to prevent them from going abroad. A solution was found for the problem by negotiators—in good will—by the understanding that Japan, by its own action, should refuse to give its subjects Japanese passports, and that the United States would not allow them to enter without passports from Japan. This was the "Gentleman's Agreement" between Japan on the one hand and the United States on the other. Secretary Root represented the United States on this occasion.

Japan could prevent its subjects from coming directly to the United States. This would be an internal regula-

tion, by virtue of its own sovereignty, not the dictation of a foreign sovereign. But it might happen that passports were given to American possessions, from which their holders might attempt to enter the United States. These matters were taken care of in the Immigration Act of February 20, 1907, putting into effect the Gentleman's Agreement without mentioning the Japanese by name: "Whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone."

President Roosevelt issued an executive order, on March 14, 1907, rendering the provisions of the act effective:

"And whereas, upon sufficient evidence produced before me by the Department of Commerce and Labor, I am satisfied that passports issued by the government of Japan to citizens of that country or Korea and who are laborers, skilled or unskilled, to go to Mexico, to Canada and to Hawaii, are being used for the purpose of enabling the holders thereof to come to the continental territory of the United States to the detriment of labor conditions therein;

"I hereby order that such citizens of Japan or Korea, to wit, Japanese or Korean laborers, skilled and unskilled, who have received passports to go to Mexico, Canada or Hawaii, and come therefrom, be refused permission to enter the continental territory of the United States."

These measures were acceptable to Japan and to the United States. The inclusion of Koreans and Korea with Japanese and Japan must have had, intentionally or otherwise, an implication which at that time could only have been pleasing to Japan.

That the disputes with Japan were to be settled peaceably is further evidenced by the arbitration convention of May 5, 1908, which Secretary Root negotiated with the Japanese ambassador. It is one of the series of twenty-five. The judicial questions to be submitted were strictly limited, as in the other twenty-four Root arbitration treaties, by the clause that they "do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third parties."

A similar treaty was concluded with China on October 8 of the same year, so that the relations of the United States with these two countries were placed upon a plane of equality, and the provision regarding third parties would apply to each in an appropriate case.

The capping was put to the corner-stone, so to speak, of friendly Japanese-American relations, by the notes of November 30, 1908, exchanged between Baron Kogoro Takahira, then Japanese ambassador to the United States, and Secretary Root.⁷⁰ The intentions of Japan

were stated in the note addressed to Secretary Root, who dated his pre-arranged reply on the same day. It says in part:

"I am happy to be able to confirm to your excellency, on behalf of the United States, the declaration of the two Governments embodied in the following words:

"1. It is the wish of the two Governments to encourage the free and peaceful development of their commerce on the Pacific Ocean.

"2. The policy of both Governments, uninfluenced by any aggressive tendencies, is directed to the maintenance of the existing status quo in the region above mentioned, and to the defense of the principle of equal opportunity for commerce and industry in China.

"3. They are accordingly firmly resolved reciprocally to respect the territorial possessions belonging to each other in said region.

"4. They are also determined to preserve the common interests of all powers in China by supporting by all pacific means at their disposal the independence and integrity of China and the principle of equal opportunity for commerce and industry of all nations in that Empire.

"5. Should any event occur threatening the status quo as above described or the principle of equal opportunity as above defined, it remains for the two Governments to communicate with each other in order to arrive at an understanding as to what measures they may consider it useful to take."

From the Japanese note it will be observed that the views there expressed were the result of interviews between the ambassador and the Secretary of State, but that the initiative was courteously made to appear to come from Japan.

CHAPTER VIII

CENTRAL AMERICAN PEACE CONFERENCE OF 1907

IT may be said that Secretary Root throughout his administration made a specialty of Latin-American affairs, without, however, overlooking the interests of the United States in other parts of the world. The situation in Central America had been unsettled for some time, and on the eve of Secretary Root's departure for South America war had broken out. A revolt against the Government of Guatemala began in that country, and hostilities spread rapidly. Salvador was accused of helping the rebels, and Honduras, the geographical position of which easily involves it in Central American controversies, was invaded from Guatemala. It looked as if the war might spread. Fortunately this was averted.

Secretary Root had a definite policy in dealing with the Latin-American countries. He knew that action by the United States might be looked upon with apprehension, but if taken in conjunction with Mexico (at that time enjoying in the world at large the greatest prestige of any of the Latin-American republics), and with Mexico playing the leading role, the proposed action would obtain a fair hearing. Therefore, Mexico and the United States offered their good offices, which were accepted by the belligerents on July 16, 1906. Two days later an armistice was declared, and on the 20th of the month an agreement was reached by Guatemala, San

Salvador, and Honduras by which peace was to be established, treaties concluded, and their future disputes arbitrated by the Presidents of Mexico and the United States.

From the 15th to the 25th of September the representatives of all of the Central American republics met at San José, under the presidency of Luís Anderson, then Minister of Foreign Affairs for Costa Rica. A general treaty of peace was signed, on September 25. Other treaties concluded the same day provided for the settlement of difficulties by the Presidents of the United States and Mexico as umpires; native treatment to one another's citizens residing within their borders; extradition of criminals; and the creation of a bureau to be located in the city of Guatemala. A convention of September 24, 1906 provided for the establishment of a Central American Pedagogical Institute.⁷¹

Central America is composed of five republics. Under the Spanish regime they had formed part of Guatemala. After independence was achieved, they separated into five states. They have always felt the ties of race, language, religion, and institutions. They have made efforts from time to time to unite into a single Central American republic, but the movement has not yet resulted in a permanent union.

Mr. Anderson has summed up the situation in a few words: "Our countries are not war-fearing countries, and the only part they have played in the several wars which from independence to our day have stained the Central American soil with blood is that of dying like heroes—bravely, modestly—for a cause which they have never understood." And he adds, what a foreigner would

hesitate to say: "The Central American wars have never been wars between nations: they have been wars between governments."⁷² Unfortunately, political parties with principles and platforms do not obtain among them. Their parties are personal: and loyalty to political leaders with personal ambitions has too often produced revolts and bloodshed.

The meeting of their representatives in Costa Rica and the measures there taken did not put an end to the disturbances. Mexico and the United States offered their good offices, which were accepted, and the representatives of the Central American republics in Washington, in a protocol of September 17, 1907, agreed to the meeting of a peace conference in Washington, in November and December of that year, in the International Bureau of the American Republics. It was further agreed that although Mexico and the United States should not be contracting parties to any agreements to be reached in the proposed conference, a representative from each of the two countries should attend the sessions and lend, as it were, the moral sanction of Mexico and the United States to the understandings which should be reached. Mr. Enrique Clay Creel, Mexican ambassador to the United States, and William I. Buchanan, who had been our minister to the Argentine Republic and to Panama and a delegate to the Second Hague Peace Conference, which had just adjourned, represented Mexico and the United States respectively.

The first regular session of the conference was held on November 14. It was formally opened by Secretary Root, in an address of welcome, of acknowledgment, and of friendly and disinterested suggestion:

"The people of the United States are sincere believers in the principles that you are seeking to apply to the conduct of your international affairs in Central America. They sincerely desire the triumph and the control of the principles of liberty and order everywhere in the world. They especially desire that the blessings which follow the control of those principles may be enjoyed by all the people of our sister republics on the Western Hemisphere, and we further believe that it will be, from the most selfish point of view, for our interests to have peaceful, prosperous, and progressive republics in Central America."

Adverting to the many attempts, and as many failures, to end differences by written instruments, Secretary Root stated that time was a necessary element to political development, and that "in the long course of time, through successive steps of failure, through the accompanying education of your people, . . . success will be attained in securing unity and progress in other countries of the New Hemisphere." Assuming the role of a benevolent counsellor, he continued: "I will venture to observe that the all-important thing for you to accomplish is that while you enter into agreements which will, I am sure, be framed in consonance with the most peaceful aspirations and the most rigid sense of justice, you shall devise also some practical methods under which it will be possible to secure the performance of those agreements." Secretary Root knew, of his own experience, how easy the promise may be given, and how difficult it is to be kept, in the relations of nations. He ended his words of welcome with a question, an answer, and a warning:

“Why should you not live in peace and harmony? You are one people in fact, your citizenship is interchangeable—your race, your religion, your customs, your laws, your lineage, your consanguinity and relations, your social relations, your sympathies, your aspirations, and your hopes for the future are the same.

“It can be nothing but the ambition of individuals who care more for their selfish purposes than for the good of their country that can prevent the people of the Central American states from living together in peace and unity.”

Mr. Luís Anderson was elected president of the conference, of which fourteen sessions were held between November 14 and December 20.⁷³ On the latter date the conference adjourned, with eight conventions to its credit; a general treaty of peace and amity; an additional convention to the general treaty; conventions for the establishment of a Central American court of justice; extradition; the establishment of an International Central American Bureau; the establishment of a Central American Pedagogical Institute; on future conferences (monetary); and on communications. Of these accords, only one need be examined. It appeared best calculated at the time to bring about gradually the union of the Central American republics, where direct agreements for that purpose had failed.

Secretary Root had instructed the American delegation to the Hague Conference to propose an international court of justice. It had been proposed and a draft convention adopted looking to its constitution through diplomatic channels. Secretary Root returned to the

charge, as it were, and sought to have a Central American court of justice established, whereby the disputes between the republics could be submitted to judicial settlement by a court of their own creation, and determined by the principles of international law, before the controversies had become embittered to such an extent that war might be the consequence. His proposal was adopted. A convention was signed on December 20, 1907, and ratified in 1908, and the court itself was established in Costa Rica, on May 25, 1908.

The preamble states the court to be "for the purpose of efficaciously guaranteeing their rights and maintaining peace and harmony inalterably in their relations, without being obliged to resort in any case to the employment of force." Its jurisdiction was to be very large, the contracting parties binding themselves to submit all controversies between them which could not be settled through diplomatic channels. In addition, an individual might lay his case before the court, if it was in violation of treaties or conventions of an international nature. The individual could take this action without the consent of his government, but he would have to show that the remedies of the country against which the suit was brought had been exhausted, or that there had been a denial of justice. By agreement of the contracting republics, any question might be submitted to the court, whether it involved its government or citizens. Even this was not all. By special agreement with one of the Central American governments, a foreign state could submit its controversy of an international character against the Central American member of the court. The tribunal was Central American and international.

The court was to consist of five justices, one to be appointed by each of the contracting powers. They were to possess "the qualifications which the laws of each country prescribe for the exercise of high judicial office, and who enjoy the highest consideration, both because of their moral character and their professional ability." There were to be five deputy justices possessing the same qualifications, who might be called upon whenever it was necessary to supply the requisite quorum. The court was to determine its jurisdiction and interpret the treaties and conventions applicable to the case. A judgment to be valid required the concurrence of at least three of the justices. In all matters of fact the justices of the court were to exercise their free judgment. In matters of law they were to be governed by principles of international law, and the final judgment was to cover each of the points in litigation. How were the judgments to be enforced? The matter is so important that Article XXV, dealing with it, should be quoted:

"The judgments of the Court shall be communicated to the five Governments of the contracting Republics. The interested parties solemnly bind themselves to submit to said judgments, and all agree to lend all moral support that may be necessary in order that they may be properly fulfilled, thereby constituting a real and positive guarantee of respect for this Convention and for the Central American Court of Justice."

The court was not destined to be a paper court. The following cases were actually laid before it, and decisions rendered:

Honduras *v.* Salvador and Guatemala (December 19, 1908)⁷⁴

Diaz *v.* Guatemala (March 6, 1909)⁷⁵

Salvador Cerda *v.* Costa Rica (October 14, 1911)⁷⁶

Felipe Molina Larios *v.* Honduras (December 10, 1913)⁷⁷

Alejandro Bermúdez Núñez *v.* Costa Rica (April 7, 1914)⁷⁸

Case regarding the election of the President of Costa Rica (July 3, 1914)⁷⁹

Costa Rica *v.* Nicaragua (September 30, 1916)⁸⁰

Salvador *v.* Nicaragua (March 9, 1917)⁸¹

Unfortunately, the convention, concluded on December 20, 1907, for a period of ten years, was not renewed at its expiration. On March 24, 1916 Costa Rica resorted to the court in order to secure the interpretation of a treaty of April 15, 1858 with Nicaragua, by which treaty each of the contracting parties agreed to consult the other before entering into agreement with a third party for the digging of a canal through its territory. Nicaragua, however, entered into such an agreement on February 8, 1913, with the United States, without consulting Costa Rica, and refused to submit the controversy to the jurisdiction of the court. President Wilson's Administration does not appear to have advised Nicaragua to permit the matter, in which the Government of the United States was interested, to be decided by the Central American court of justice, although this court was an American creation and existed under its moral support; and an American ideal, like a falling star, dropped out of sight.⁸²

Secretary Root deserved to succeed with any international court of justice. He did—thirteen years later, in 1920, at The Hague. On that occasion, the Central American court was mentioned. Three years later a delegate of Costa Rica to the Fifth Conference of the American Republics, meeting in Santiago, Chile, referred to the Central American court in proposing a larger court for the twenty-one American republics. The seed planted by Secretary Root has had a way of growing and bringing forth abundant fruit.

CHAPTER IX

OTHER CANADIAN QUESTIONS

THROUGHOUT the entire extent of its northern boundary the United States has for its good neighbour the Dominion of Canada. If such had been the case in Europe, boundary disputes would have been sure to arise and give trouble. They have arisen in the relations between Canada and the United States, but they have not caused trouble. Each of the two countries has confidence in the intentions of the other. They have been animated for more than a century by good will towards each other; and by the Rush-Bagot Agreement of 1817 between Great Britain and the United States the Great Lakes and the frontier were disarmed.

It would doubtless be strange news to many if not most Americans that the boundary lines of the treaty of September 3, 1783 between Great Britain and the United States, by which the independence of the United States was recognized, had not been finally determined when Mr. Root assumed the Secretaryship of State. In some places they had been marked—"monumented" is the technical expression—and the monuments effaced by time. In many cases the lines had been imperfectly drawn upon the maps; in others the boundary was still an imaginary line.

The Alaskan boundary dispute was a warning. Secretary Root took up the question of boundaries from the Atlantic to the Pacific and on April 11, 1908 concluded

for this purpose a treaty with the British ambassador, then James Bryce. The treaty divides the boundaries into eight sections. An article is devoted to each, which gives the original provisions of the treaty of 1783 and its history. It provides for the appointment of a commissioner of each of the contracting parties, who should be an expert geographer or surveyor, and, in appropriate cases, for an arbitration if they could not agree. The boundary line was to be determined where it had not been determined, monuments were to be erected, and appropriate maps prepared. As the result of Secretary Root's initiative and Mr. Bryce's interested co-operation, Canada and the United States were soon to have a definite boundary, and the title to some territory in dispute was to be settled in favour of one or the other country.

In the treaty of September 3, 1783 with Great Britain, recognizing the independence of the United States, the eastern boundary of Maine was to be the St. Croix River and the islands in the Passamaquoddy Bay, into which it flows, except such as were then or had been within the limits of Nova Scotia.

There were doubts as to the river that the contracting parties meant under the name St. Croix, and as to the islands in the bay. Under Article V of Jay's Treaty of November 19, 1794, commissioners of Great Britain and the United States were to find the source of the elusive river. In this quest they were successful. They certified their findings over their hands and seals under date of October 25, 1798.

But what of the islands in Passamaquoddy Bay? In the Treaty of Ghent, of December 24, 1814, ending the

war between Great Britain and the United States, Article IV referred the matter to commissioners to be appointed in accordance with its terms. Under date of November 24, 1817 they presented their report indicating ownership of the islands. From time to time, however, questions arose, with the result that Secretary Root found it necessary to devote the first article of the treaty concerning the Canadian international boundary, of April 11, 1908, to the boundary through Passamaquoddy Bay. In the proceedings under the article, the Governments were unable to agree; but the matter was finally laid to rest by the treaty of May 21, 1910, concluded by Secretary Knox during President Taft's Administration, which accorded to the United States Pope's Folly Island, title to which had been claimed by the United States, but disallowed by Great Britain, acting in behalf of Canada.

Boundary disputes might almost be considered a "product" of Maine, but apparently they have all been settled, some hundred and twenty-seven years after the recognition of American independence.⁸³

The settlement of Canadian questions has been more protracted than difficult, because our northern neighbours have insisted that all outstanding questions should be taken up and adjusted, whereas the Government of the United States has been in favour of settling one at a time. Secretary Root was able to persuade the Canadian authorities to discuss and get out of the way questions that seemed to him, and, upon reflection, to them, to be the most important at the time he held office. The settlement of the rights of American fishermen in Newfoundland and Canadian waters, already described, was

perhaps Secretary Root's most spectacular triumph in the settlement of Canadian questions; the others, however, were hardly less important.

A treaty concluded April 11, 1908 with Ambassador Bryce regulated the fisheries in American and Canadian waters, each of the contracting parties "recognizing the desirability of uniform and effective measures for the protection, preservation, and propagation of food fishes in the waters contiguous to the United States and the Dominion of Canada." An International Fisheries Commission, "consisting of one person named by each Government," was authorized to examine the questions and within six months after their appointment "to prepare a system of uniform and common International Regulations for the protection and preservation of the food fishes in each of the waters prescribed in Article IV of this Convention" and to determine the seasons during which fishing should be permissible and the methods by which it might be carried on. It was hoped that it would be permanent.

It is true that the state governments might, with the permission of Congress, have undertaken these negotiations, or that Canada and the states in question might have passed uniform statutes; but regulation by treaty was so much more expeditious and effective that the individual states made no objection to regulation by the federal Government of a matter which was admittedly within their competence.

There had always been a question as to the right of an officer of the United States or Canada to convey a prisoner through the territory of the other. This is an important matter. The authority needed for this phase

of the administration of justice was granted by the treaty concluded May 18, 1908. This treaty likewise accorded to the high contracting parties the right to enter the waters of the other to render aid in case of wreckage and salvage.

Secretary Root foresaw that the Canadian treaties might give rise to disputes, and his purpose was to create machinery of a permanent nature by which they could be settled when and as they arose, without embittering the relations of the two countries. Therefore, on January 11, 1909, within but a few days of the date of relinquishing the secretaryship, he concluded a treaty with Mr. Bryce concerning the boundary waters. An extract from the preamble declares the contracting parties to be "equally desirous to prevent disputes regarding the use of boundary waters and to settle all questions which are now pending between the United States and the Dominion of Canada involving the rights, obligations, or interests of either in relation to the other or to the inhabitants of the other, along their common frontier, and to make provision for the adjustment and settlement of all such questions as may hereafter arise." For this purpose an international joint commission was to be appointed, composed of six members, of whom three were to be chosen by the King of Great Britain, "on the recommendation of the Governor in Council of the Dominion of Canada," and three by the President of the United States.

The commission was to enter upon its labours promptly after appointment and was to be "subject at all times to special call or direction by the two Governments." There was to be a Canadian secretary and an American

secretary, and a majority of the commissioners was to decide questions that it was authorized to entertain by the treaty or by subsequent authorization of the contracting parties. The treaty was to remain in force for a period of five years and to continue "until terminated by twelve months' written notice given by either High Contracting Party to the other." It is still in force and frequently and fruitfully resorted to.

CHAPTER X

THE ELDER STATESMAN

AFTER having served as Secretary of State for a little over three years and a half Secretary Root resigned, on January 27, 1909, expressing pleasure that he was to be succeeded by Robert Bacon, who as his Assistant Secretary had been not only his understudy, but, it might be said, his *alter ego*.

His separation from the Department of State did not mean his retirement to private life. He had resigned in order to have a few weeks of much-needed rest, before entering upon his duties as United States Senator from New York, to which office he had been elected the previous November. He took the oath of office on March 4, 1909 and served for the full period of six years, his term ending on March 4, 1915. He declined to be a candidate for re-election. But the Government and the people of the United States were to have his services as an "elder statesman."

He opposed the exemption of American coastwise shipping from the payment of tolls through the Panama Canal in two carefully prepared speeches delivered in the Senate, on "The Obligations of the United States as to Panama Canal Tolls," January 21, 1913, and on "Panama Canal Tolls," May 21, 1914.⁸⁴ His view was adopted. On another occasion, in a measured address before the Senate, May 21, 1914, on "The Mexican Resolution,"⁸⁵ Mr. Root analysed the grounds upon

which the United States might intervene in Mexico. These grounds were the protection of American life and American property in accordance with the principles of international law and the practice of nations. His views were accepted in principle.

On the floor of the Senate Mr. Root insisted that as long as the United States remained neutral, its Government should comply with the highest standards of neutrality and should not purchase the German ships then lying in American harbours, which would be captured if they took to the high seas. His contentions prevailed.⁸⁶

During his term as Senator, Mr. Root served as president of the convention of the state of New York for the revision of its constitution. Through his wisdom and energy a new constitution was devised in the summer of 1914. Submitted to the voters, it was rejected, but its salient provisions are coming into effect through legislation.⁸⁷

In 1917, he was asked by President Wilson to head an American mission to Russia in order to express the gratification of the people of the United States over the replacement of autocratic government by a provisional and liberal regime. The United States had just entered the war, and Mr. Root in his capacity as ambassador extraordinary was to consult the Russian authorities as to the co-operation of the two Governments in its prosecution. The overthrow of the provisional Government by the Bolshevists a few months later ended the liberal regime and the proposed co-operation of the two countries.⁸⁸

During President Harding's Administration Mr. Root was selected as one of the delegates of the United States

to the Conference for the Limitation of Armament and Pacific Questions, which met in Washington, November 11, 1921–February 6, 1922. His large and varied experience is evidenced in the agreements concerning China, the subjection of submarine warfare to the rules governing surface craft, and the banning of the use of poisonous gases.⁸⁹

In a purely private capacity, and wholly disassociated from the Government in any of its branches, Mr. Root had devoted much of his attention, from the early days of his Secretaryship of State, to the American Society of International Law. Invited in 1906 to accept its presidency, he presided, until the time of his resignation in 1924, at every session except one. At that time the state of his health made it necessary for him to be in California. At the urgent request of the members of the society, for seventeen years Mr. Root allowed himself to be annually elected its president, but finally, much to their regret, he felt obliged to refuse further election to the presidency. His annual addresses have been regarded abroad, as well as at home, as masterpieces of exposition and as largely constituting the newer law of nations.⁹⁰

Not the least of Mr. Root's services to the world at large were rendered also in his private capacity as president of the Carnegie Endowment for International Peace (1910–1924). Peace, in his opinion, is to come through education of the mass of the people in democratic countries, in foreign affairs, which more and more they are to control. It is to be a slow but continuous process. Governments are sufficiently conscious of their rights. "We are dealing with aptitudes and impulses

firmly established in human nature through the development of thousands of years," he said in his letter of instructions to Mr. Robert Bacon, his successor in the Secretaryship of State, on the eve of the latter's departure for South America on a mission of good will from the Carnegie Endowment. And he continued: "The utmost that any one generation can hope to do is to promote the gradual change of standards of conduct. All estimates of such a work and its results must be in terms not of individual human life, but in terms of the long life of nations. Inconspicuous as are the immediate results, however, there can be no nobler object of human effort than to exercise an influence upon the tendencies of the race, so that it shall move, however slowly, in the direction of civilization and humanity and away from senseless brutality."⁹¹

Upon Mr. Root's return to the United States after successfully arguing the fisheries case, in the summer of 1910, President Taft appointed him a member of the Permanent Court of International Arbitration. This court was the creation of the First Peace Conference, which met at The Hague in 1899. It was not really a court; it was rather a list of persons willing and able to act as arbiters. Three years later he was appointed umpire of the tribunal of arbitration to pass upon the claims of Great Britain, France, and Spain against Portugal for expropriated religious properties. The outbreak of the World War prevented the meeting of the tribunal. It was held, however, in 1920, and on September 2 of that year the French and British awards, and on September 4 the Spanish awards, were rendered to the satisfaction of all parties.⁹²

It had been the hope of many that Mr. Root should be appointed a delegate of the United States to the Paris Peace Conference of 1919. He was not selected by President Wilson, but during the proceedings of the conference his advice was asked by the Department of State and followed by the American negotiators. This was especially true with Articles XIV and XV of the Covenant of the League of Nations.⁹³

In the summer of 1920 Mr. Root was a member of the advisory committee of ten jurists appointed by the League of Nations to devise a plan for a permanent court of international justice. Without discourtesy to his colleagues, it may be said that his presence enabled the committee to draft a plan, and his proposal of a method of appointing the judges (a question that had hitherto proved to be an obstacle in the creation of the court) was found acceptable to his colleagues, to the Council, and to the Assembly of the League of Nations. Therefore he had the great satisfaction of creating in 1920 the Permanent Court of International Justice, which he had proposed in 1907. On December 28, 1926 he was most appropriately given the award of the Woodrow Wilson Foundation, of twenty-five thousand dollars, "in recognition of his services to humanity and the cause of peace through justice in helping to create the Permanent Court of International Justice." He already had been awarded the Nobel Peace Prize for 1912.⁹⁴

The late Mr. Alvey A. Adee, who had entered the diplomatic service of the United States in the early seventies and had lived in Washington for many years, holding the important post of Second Assistant Secretary of State, was accustomed to relate to his intimate

friends incidents of his long and varied career, now and then touching upon the distinguished persons with whom it had been his good fortune to collaborate. He was secretary of legation to Caleb Cushing when that able American lawyer was minister to Spain. On more than one occasion Mr. Adee was heard to say that Cushing had the most powerful of minds and an enormous capacity for the dispatch of business. Mr. Adee had the good fortune to be connected with the American legation when James Russell Lowell was American minister to Madrid, and his ineffable charm was often a topic upon which Mr. Adee allowed himself to dwell. Later, when he returned to Washington and served in the Department of State, he came into contact with two Secretaries of State who suggested his friends of Spanish days—Richard Olney, by his powerful intellect and capacity for business, and John Hay, by his indescribable charm.

Those who were privileged to associate with Mr. Root during his Secretaryship of State found united in his person the qualities of Cushing and Lowell, of Olney and Hay.

At the age of eighty-three Mr. Root stands as pre-eminent in the domain of international law, as at the American bar. As a public speaker he has achieved immense distinction, and the eight volumes of his addresses testify to the demand for him in that capacity. As a statesman he is considered by many of his countrymen as on a plane with the founders of the Republic, and as uniting in his person in varied degrees the knowledge of human nature so marked in Franklin, the wisdom and caution of Washington, the administrative genius

of Hamilton, and the judgment of Marshall. Not a few of his countrymen also consider that as Secretary of State there is no one who has held that office to be compared with him. His taste in the fine arts, and his interest in literature, are such as would have made of him their patron in other ages, and in our day they have made him the associate and friend of artists and men of letters.

An outstanding figure of his generation, it is the common belief of his countrymen that Elihu Root is destined to leave behind him the memory of a great and a rounded American.

ROBERT BACON
SECRETARY OF STATE

JANUARY 27, 1909, TO MARCH 5, 1909

BY

JAMES BROWN SCOTT

FORMER SOLICITOR OF THE DEPARTMENT OF STATE
SECRETARY OF THE CARNEGIE ENDOWMENT
FOR INTERNATIONAL PEACE



Robert Mearns

ROBERT BACON

COURTESY OF THE KEYSTONE VIEW COMPANY

ROBERT BACON

ROBERT BACON, of New York, was appointed Secretary of State by President Roosevelt, in succession to Secretary Root, to serve during the unexpired term of the Roosevelt Administration. He took the oath of office on January 27, 1909, and performed the duties of Secretary until the morning of March 5 of that year, when his successor entered upon the secretaryship.

The Bacon family had long been in America. The immediate ancestor had settled among the Pilgrims in 1639, at Barnstable, and the Bacons intermarried with the descendants of the Pilgrims, so that the blood of two of the *Mayflower* passengers coursed through his veins. The Bacons were thus deeply rooted in Massachusetts, and Robert Bacon himself wandered only as far as New York, from the home of his ancestors. They were marked by two characteristics: a devotion to New England, or, rather, the part of New England in which they had taken root and settled, and to the old England which they had, indeed, left, but to whose traditions they were ever loyal. The family had been transplanted to New England soil, but the branches were of an old England trunk.

The Bacons possessed the confidence of their fellow townsmen. They were called upon to serve in various capacities, and during generations they filled elective positions in the neighbourhood, with an occasional appointment from the colonial authorities. The idea of

service seems to have been ingrained, and it was inherited by Robert Bacon, if such a thing is inheritable.

Robert's grandfather, Daniel C. Bacon, was the first of the family to take to the sea, as was the wont with New Englanders of the time, and, specializing in the Chinese waters, he acquired a competence. Daniel's son, William B. Bacon, early made a voyage in one of his father's ships, but most of his sea service was on land, engaged in business with his brother, in which both prospered. He had graduated from Harvard College, and to this institution he sent his son, Robert.

The son was fortunate in having Theodore Roosevelt as a class-mate. They became intimate in college and remained friends throughout life. Separated by their different activities after leaving Harvard, their friendship remained intact, and it was through President Roosevelt that Robert Bacon entered upon his career of public service.

He began with a sound mind, and he kept his body sound by exercise. A fair, indeed, a good student at college, he was a better athlete, specializing in sports so various as baseball, football, rowing, tennis, and lacrosse. He boxed with the future President of the United States, and later in life he was very fond of polo. In Washington he used to play tennis on the White House grounds with his presidential class-mate.

Upon leaving college (he was only nineteen), Robert Bacon made a tour of the world, to see it with his own eyes and to know large portions of it at first hand. He saw America first, as he proceeded westward to San Francisco; then he went on to Japan, China, India,

Egypt, and Europe, to old England, and then to New England, to begin a distinguished career.

He entered the banking firm of Lee, Higginson & Company, of Boston, and later, in New York, became associated with J. P. Morgan, who, rumour has it, fell in love with him on first sight, as, indeed, everybody is said to have done. As the junior member of the firm he was Mr. Morgan's constant companion. He associated the junior member with the great loan to the Government of nearly sixty-five million dollars in gold, made during the Cleveland Administration, which maintained a balance in the Treasury when it seemed to be making for bankruptcy because of the panic of that year. Large business experience he had, naturally. During Mr. Morgan's absence Mr. Bacon took part in the transactions culminating in the Northern Securities Company; and he assumed an important role in the negotiations that led to the formation of the United States Steel Corporation. He was thus familiar with all of the details of international and domestic finance, and he had on more than one occasion come into contact with the Department of State, when he was asked by Secretary Root, at President Roosevelt's suggestion, to become Assistant Secretary of State. He accepted the offer, taking the oath of office on September 5, 1905, and serving throughout Mr. Root's entire secretaryship. When he himself was appointed Secretary of State by President Roosevelt, he had graduated from the best school of foreign affairs then in existence.

During Secretary Root's prolonged absence, owing to his presence at the Third Pan-American Conference in 1906, at Rio de Janeiro, Mr. Bacon was Acting Secretary

of State and as such was obliged to handle the delicate and changing situation in the Central American states resulting in their agreement to submit their differences to the arbitration of President Diaz of Mexico and President Roosevelt of the United States. The ultimate result was to be the Central American Conference in Washington, upon the invitation of Secretary Root, and the series of conventions concluded at that gathering in the latter half of 1907.

During the same period he was, as Acting Secretary of State, immersed in the affairs of Cuba. Tomás Estrada Palma, the distinguished Cuban patriot, had been chosen first President of the young Republic. As is the wont of presidents, he "consented" to run for re-election, and, as frequently happens in such cases, his partisans were zealous (over-zealous, according to their opponents) in securing his election. On the face of the returns, President Palma, the Moderate candidate, was elected. The partisans of General José Miguel Gómez, the Liberal candidate, claimed that he was legally elected, but was illegally deprived of the office. The result was an appeal to arms in August 1906, and Cuba was exposed to the dangers, not merely of an uprising—which had already taken place—but of being plunged into the throes of a civil war.

This was obviously a state of affairs which might cause the United States, in accordance with the terms of the treaty of May 22, 1903, which incorporated the terms of the Platt Amendment, to intervene in order to maintain a government adequate to protect life and property in Cuba. President Roosevelt, who had served in the Spanish-American War and taken a distinguished part

in the operations of the American army in Cuba, wished to avoid intervention if he could possibly do so; but President Palma preferred intervention to the triumph of his political enemies. He refused to accept the Presidency as a compromise, insisting upon it as by right of election. He likewise refused the suggestion that new elections be held for the other offices, on the ground that such action questioned the legality of those already held. On September 14 President Roosevelt addressed an open letter to Mr. Quesada, the Cuban minister at Washington, begging him to urge upon his Government the necessity of its maintaining law and order, but, notwithstanding protests from the Government of the United States, on September 28 President Palma resigned his office, thus leaving Cuba without a government.

The United States thereupon intervened. Secretary of War Taft and Acting Secretary of State Bacon had been sent to Cuba on September 16 as "special representatives" of the Government of the United States to assist the Cubans in restoring peace. The day after President Palma's resignation, Secretary Taft proclaimed himself Provisional Governor of Cuba and took over the affairs of the island. He, in turn, was succeeded, on October 13, 1906, by Charles E. Magoon, then minister of the United States to Panama, who was appointed Governor. New elections were held, and the Liberals were victorious. Various reforms, including that of the election law, were introduced, and on January 28, 1909 the American troops withdrew for a second time from the island. Governor Magoon turned over the government to General Gómez, the successful Liberal candidate, and Cuba again assumed control of its destinies.¹

Mr. Bacon had been opposed to the intervention of the United States, and he was opposed to the method of adjusting the difficulties. He feared that intervention might become a habit and the independence of Cuba be threatened. He would have preferred to leave Cuba at this time, with the moral support of the United States, to settle its own affairs, without the intervention of the United States, although a treaty between the two countries accorded that right. Mr. Bacon's attitude appears to have been understood at the time. A recent and well-informed writer quotes Martínez Ortiz's "comments upon his 'reserve' and 'discretion' and the fact that 'he did not let his thoughts appear,' noting also that 'one hardly ever heard a word from him, except when he was answering some question of Mr. Taft.'"²

These matters were handled by Mr. Bacon as Acting Secretary of State and were sufficient to prove what he might have done had he had a longer tenure of office than the closing days of a closing administration. He had but thirty-seven days in all—busy days, to be sure, but for the most part devoted to the unfinished business that his illustrious predecessor had left pending at the moment of his departure.

A very difficult matter that he handled was the tripartite treaty of January 9, 1909, to which Colombia, Panama, and the United States were signatories. We have seen that Secretary Root had concluded the three treaties, which were to be considered and ratified as one and the same international instrument. One was between Panama and the United States, one between Cuba and the United States, and a third between Colombia and Panama. They were meant to settle, in their

entirety, the differences that had arisen out of the Panama incident.

A phrase from the preamble of each states the purpose of each. In the treaty between the United States and Panama the contracting countries describe themselves as "desiring to facilitate the construction, maintenance, and operation of the interoceanic canal across the Isthmus of Panama and to promote a good understanding between the nations most clearly and directly concerned in this highway of the world's commerce, and thereby to further its construction and protection." The first difficulty to be overcome was that between Colombia and Panama. Therefore a part of the sums due to Panama under the treaty of 1903, between that country and the United States, was to be assigned to Colombia. These were "the first ten annual installments of two hundred and fifty thousand dollars each." By way of compensation to Panama the "final delimitation of the cities of Panama and Colon and of the harbors adjacent thereto" were to be arranged by the two Governments upon the exchange of the ratifications of the treaty, and Panama was also to have the right to take over the waterworks for the supply of the city of Panama outside the Canal Zone, upon terms to be agreed upon by the contracting parties. In case of disagreement the matter was to be decided by arbitration. All differences arising out of the first treaty between the two countries (that of November 18, 1903) were to be submitted to arbitration—an arbiter to be appointed by each of the Governments, and the umpire by the President of Peru, upon their failure to agree. In addition, commerce and navigation were to be upon equal terms,

and citizens of one and the other country were to have equal rights in the use of the "canal, railroad, telegraph, and other facilities of the United States within the Canal Zone, and in respect of all other matters relating thereto, operating within or affecting the Canal Zone." Panama and her citizens were to be placed "at least on an equal footing with the most favored nation and the citizens or subjects thereof."

2 This treaty between the United States and Panama was not to go into effect until the others had been ratified. It was ratified by Panama on January 27, 1909 and by the United States on March 3, the day before the end of President Roosevelt's Administration, and then only through the strenuous efforts of Secretary Bacon.

| In the preamble of the treaty of the United States with Colombia the contracting parties declare themselves to be "equally animated by the desire to remove all obstacles to a good understanding between them and to facilitate the settlement of the questions heretofore pending between Colombia and Panama by adjusting at the same time the relations of Colombia to the canal which the United States is now constructing across the Isthmus of Panama."

| In addition to the money payments to be transferred by Panama, the concessions made by the United States to Colombia were such as to place that country upon a footing of equality with the United States—its vessels of war and materials of war were to have free passage through the canal "without paying any duty to the United States; even in the case of an international war between Colombia and another country," except in a war between Colombia and Panama.

During the construction of the canal Colombia was to have the same rights to use the railway between Ancón and Cristóbal, and upon like conditions with the United States; products of the soil and industry of Colombia were to pass through the canal subject to the same conditions as products from the United States; the Colombian mails were placed upon an equality with those of the United States.

These were no mean concessions; and that there might be no doubt as to their validity in the future, Secretary Root had obtained in advance their acceptance by Great Britain, so that no objection should be had from that quarter, as none could be had from any other.

In the fifth article, the United States recognized and approved the assignment to Colombia of the first ten annual instalments of two hundred and fifty thousand dollars provided for in the Panama treaty of even date. According to the express language of Article V, "the independence of the Republic of Panama is recognized by the Republic of Colombia." The treaty was accepted by Panama on January 30, 1909. It was advised and consented to by the Senate of the United States on February 24, 1909, again through the efforts of Secretary Bacon.

The third treaty of the series was between Colombia and Panama, which, in the preamble, state themselves as "equally animated by the desire to remove all obstacles to their good understanding, to adjust their pecuniary and other relations to each other, and to secure mutually the benefits of amity and accord." The treaty with the United States was desired by Colombia, and a separate treaty between those countries might have

been concluded at the time. Colombia, however, was not anxious to recognize the independence of Panama—mother countries are always reluctant to recognize the independence of their rebellious offspring.

The treaty began with an express recognition by Colombia of the independence of Panama. This was no doubt desirable from the standpoint of Panama and the United States, and yet the negotiation of a treaty by Colombia and Panama without such express recognition would have been, in effect, a recognition of its independence.

Only a term or two of the treaty need be quoted. It contains provision for the assignment of the first ten annual instalments of two hundred and fifty thousand dollars each, and the release of Panama from the internal or external indebtedness of Colombia—a provision appearing in the treaty between Colombia and the United States. The relations of the contracting Republics were to begin, as far as their mutual indebtedness was concerned, from November 3, 1903 (the date of the Panama revolution). The citizens of each Republic were to have the rights of the most favoured nation; citizens of each could retain their original citizenship by a declaration to that effect; and no citizens of one or the other country were to be “punished, molested, or discriminated against by reason of their acts of adhesion to the country whose citizenship they have adopted.”

The boundaries between Colombia and Panama were drawn in the ninth article, with the submission of a doubtful district to arbitration. Each of the contracting parties was to appoint an arbitrator and to agree upon

the umpire, and, in case of failure, the President of the Republic of Cuba was to appoint the third member. The procedure was to be that of the Pacific Settlement Convention of The Hague. Panama ratified, and well it might, this treaty, on January 30, 1909. It was not ratified by Colombia, and the treaty between the United States and Colombia was not ratified by the latter. The Colombian Government was sanguine of the ratification of each, but public opinion was too much for the Government and the President who had initiated the negotiations. The treaties therefore failed, and with them the complete settlement which Secretary Root had planned, and which Secretary Bacon had been able to carry through the Senate of the United States.

It was not until 1922 that a treaty between the United States and Colombia was ratified by each, and the Panama incident settled to the satisfaction of both.

However opinions may differ as to the conduct of the United States in the Panama revolt, it is evident that there was a genuine desire on the part of the Government to adjust the resulting situation as far as this could be done by treaty.

There was one matter of vast importance in which Secretary Bacon was deeply interested, and which he was able to advance. During his short tenure of office a conference composed of representatives from the United States, Mexico, Canada, and Newfoundland met in Washington to consider the conservation of the natural resources on the continent of North America.³ That conference felt that the subject was so important that the question of conserving the natural resources of all nations should be submitted to an international

conference. Secretary Bacon was able only to instruct the diplomatic agents of the United States to ascertain whether the countries to which they were accredited would favour a participation in such a conference if called.⁴ The matter did not appeal to his successor, and it was dropped. It has not since been taken up, although it is indeed worthy of an international conference.

President Roosevelt's Administration went out of office at noon on March 4, 1909, when his successor, William Howard Taft, took the oath of office on the steps of the national Capitol. The incoming President selects his Cabinet, and although the names are usually submitted to the Senate the day of his inauguration, it often happens either that they are confirmed on March 5, or that the members of the Cabinet do not enter upon the performance of their duties until the fifth. It so happened in this case, and Secretary Bacon was able on March 5 to instruct the American ambassador at London to inform the British Secretary of State for Foreign Affairs that the Government of the United States would send an identic circular note proposing a method of constituting the Court of Arbitral Justice of the Second Hague Peace Conference⁵—a project in which Secretary Bacon was deeply interested, and which, through Elihu Root's personal efforts, was to come into being some years later, under the name of the Permanent Court of International Justice. This was Secretary Bacon's last official act.

The incoming Secretary of State, Mr. Philander C. Knox, who before entering the Senate had been Attorney-General in President Roosevelt's Administration, was anxious to retain Mr. Bacon in the Department of

State. To effect this it was proposed to create the office of Under-secretary. Mr. Bacon was willing to accept the post, and his familiarity with the affairs of the Department would have greatly helped the incoming Secretary. But the bill to create an Under-secretaryship of State failed.

The post of ambassador at Paris became vacant by the resignation of Henry White, and Mr. Bacon was appointed as his successor, on December 21, 1909. He arrived in Paris in time to present his credentials in the latter part of the month and to pay his respects to the President of the Republic on New Year's Day, 1910.

In the immediate future he was able to show not merely capacity in handling routine affairs, but the sympathy that he felt in his heart for the people of the country to which he was accredited.

The River Seine, which flows through Paris on its way to the English Channel, was rising and began to overflow its banks. The troubled waters spread over the adjoining portions of the city. Mr. Bacon concentrated in his hands the offers of relief that came immediately from America, and thus was able materially to mitigate the suffering that had been caused. At once he became *persona gratissima*. He looked the part of an ambassador. He spoke the language of the country to which he was accredited. Interested in France, with a capital of good will upon which to draw, and the language at his finger-tips, he entered into the life of the sister Republic and was eminently fitted to handle large questions if they had presented themselves during his tenure of office.

As it was, Mr. Bacon's conduct as ambassador met with the approval of his Government. The leisure from official business he employed in public affairs. On Washington's birthday, 1910, 1911, and 1912, he invited his Latin-American colleagues to breakfast. He liked them and he was liked by them in return, so that upon his trip to South America in 1913, after his resignation as ambassador to France, he was received, not merely as a friend, but as a member of the family. Mr. Bacon was greatly impressed by the Latin-American people and the future of their countries, to such an extent, indeed, that upon his return he stated in an interview given to the press that "it must strike any one who visits South America that it is the country of the future."⁶

When the World War broke out, in the summer of 1914, Mr. Bacon felt that it would come eventually to us if we did not go to it. He urged President Wilson in season and out of season to prepare while there was still time. He was the only American who had held high political office to protest publicly against the violation of Belgian neutrality on the ground that the violation of the rights of one neutral country was a violation of the rights of all neutrals. He insisted upon preparedness, became president of the National Security League, and allowed his name to be presented to the primaries in New York as a candidate in that state for the Senate. His platform was that of preparedness. Defeated, as he was, by a small margin, the immense vote which he received was regarded as a warning to those who felt that preparedness should not be the order of the day.

When the war finally came to us, Mr. Bacon offered

his services to the Government. He was commissioned major in the Quartermaster's Department and accompanied General Pershing and his party to France. Later he was promoted to the rank of colonel, and acted as liaison officer of the American army at British Headquarters, where, according to General Pershing and Field-marshal Haig, he rendered distinguished services.

His health broke down under the strain of continuous activity at the front, to such a degree that on May 29, 1919, shortly after his return to America, he died, a victim of the war.

PHILANDER CHASE KNOX

SECRETARY OF STATE

MARCH 5, 1909, TO MARCH 4, 1913

BY

HERBERT F. WRIGHT, PH.D.

PROFESSOR OF POLITICAL SCIENCE

GEORGETOWN UNIVERSITY



W. H. Fox

PHILANDER C. KNOX

COURTESY OF THE KEYSTONE VIEW COMPANY
FROM A PHOTOGRAPH BY THE CLINEDINST STUDIO

PHILANDER CHASE KNOX

CHAPTER I

APPRENTICESHIP AND CHARACTER

IF it be admitted that legal training and public service are requisite qualifications for the successful conduct of the foreign relations of a state—and what public office has greater need of that appreciation of subtleties and delicate situations which legal training provides?—then Philander C. Knox spent two-thirds of his life in fitting himself for the high office of Secretary of State. Twenty-five years in the practice of law before his entry into public service, three years as Attorney-General, five more years as United States Senator from Pennsylvania, furnished him with a wealth of experience upon which to draw during his term as Secretary of State.

The organizing ability and business acumen displayed in the formation of the Carnegie Steel Corporation in 1900 and in the formation of the Department of Commerce and Labor in 1903 were to stand him in good stead in the reorganization of the Department of State during his first year in charge. The clearing of the title to the Panama Canal property in 1902 gave him that sympathetic knowledge which was to bear fruit in the various general and special proposals for the peaceful settlement of international disputes made during his

administration of the Department of State. The intimate acquaintance with railway matters that formed one of the chief topics of his interest during his term as senator found ample field for usefulness in the proposals for the neutralization of the Manchurian railways in 1911. His ability to conciliate, a necessary corollary of long, successful practice at the bar, was to be exemplified later by his "swing around the circle" among the Latin-American republics in 1912.

In fact, there is hardly a major event in his entire administration of the Department of State that was not foreshadowed by some practical experience in his earlier life. What a training this, for such an important position! But to James Bryce, the British ambassador at Washington, "he gave the impression of having cared little, known little, or thought little of foreign politics till he became a minister, and as being, partly from a lack of diplomatic or historical preparation, partly from a certain impatience of temperament, inclined to be autocratic and rapid in his decisions."¹ Before we accept the distinguished Englishman's impression, let us survey Knox's career.

Philander Chase Knox was born at Brownsville, Fayette County, Pennsylvania, May 6, 1853, the son of David S. and Rebekah Page Knox.² His father was a banker, and his grandfather a minister of the Methodist Episcopal Church, both in high repute in the community. After attending the Brownsville schools he entered Mount Union College in Ohio, from which he received the bachelor of arts degree in 1872. It was while he was at Mount Union that he formed a friendship with William McKinley, at that time district attorney

of Stark County, an attachment which was to last until President McKinley's untimely end, in 1901.

The next three years the young graduate read law in the office of H. B. Swope of Pittsburgh, studies that led to his admission to the bar of Allegheny County at Pittsburgh in 1875. Even at this early stage of his career Knox manifested his attraction to public life by serving as assistant United States district attorney for the western district of Pennsylvania from 1876 to 1877, when he formed the partnership of Knox and Reed for the practice of law in Pittsburgh with James H. Reed, father of the present Senator David A. Reed. This partnership, which lasted until Knox's entry into public life, was successful from the very start. In 1880 the young lawyer married Miss Lillie Smith, daughter of Andrew D. Smith of Pittsburgh.

For over twenty years he devoted himself assiduously and unobtrusively to the practice of his profession. His practice was varied and not confined to any one branch of the law. His professional skill was remarkable and he soon was recognized as one of the ablest forensic lawyers in the country. His work was imbued with a spirit of fair-mindedness in the relation of the law to the citizen. Citizens have rights individually, he thought, but these rights are to be exercised without impairing the equal rights of other citizens. In a presidential address before the annual meeting of the Pennsylvania Bar Association, held at Cresson, Pennsylvania, June 30, 1897, he says:

“The right to labor for the production of property is . . . ‘a necessary consequence of the right to live.’ . . .

“The right to trade means the right to contract. The simplest as well as the most complicated engagements between men are contractual. The liberty which enables a man to dispose of his own services upon his own terms is but the liberty of contract. The right to dispose of one’s own surplus to acquire the surplus of another, or to supply the necessities or requirements of others is but the right of contract. Any restriction placed upon this right is a restriction upon the liberty of contract which is an inalienable right, being included in the right to acquire and possess property.”³

This very argument has been utilized effectively by the federal courts against state regulation of hours of labour, but there is no reason to suspect Knox’s sincerity in holding the right of individual contract to labour to be an indefeasible constitutional right of every citizen of the United States. He was later, when mentioned for public office, to be accused of undue friendship for corporate interests. It is true there was some apparent basis for the charge, for during the industrial development in the region of his professional activity his talents were in constant demand in the controversies incident to that expansion and in the organization and direction of the corporate entities through which it was brought about, notably the Carnegie Steel Corporation in 1900; but the fact remains that as Attorney-General he was more active in the prosecution of the corporations and trusts than any of his predecessors, particularly against the Northern Securities Company and the “beef trust.” His principle of statecraft was his principle

of law practice, eternal vigilance for the interest of his client.

In 1899 Knox, the specialist in the practice of corporation law, was tendered the appointment as Attorney-General by his friend of college days, President McKinley. He was not then ready to abandon his law practice, but in 1901 the offer was renewed and the call to public service proved too alluring to be rejected. The trust and confidence reposed in Knox by President McKinley was continued by his successor, President Roosevelt, who in a public speech once declared: "We need common sense, common honesty, and resolute courage. We need what Mr. Knox has shown, the character that will refuse to be hurried into unwise and precipitate movement by clamor, whether hysterical or demagogic, and, on the other hand, a character that will refuse to be frightened out of any movement by any pressure or by any threat, expressed or implied."⁴

On June 10, 1904 Knox was appointed by Governor Pennypacker to fill the vacancy in Pennsylvania's representation in the United States Senate caused by Senator Matthew S. Quay's death. Subsequently he was elected for Quay's unexpired term and also for a full term of six years. Though he served on the judiciary committee, took a prominent part in the Panama Canal tolls debate, and for a time was chairman of the committee on rules, he resigned the senatorship on March 4, 1909, to accept the Secretaryship of State from President Taft, with whom he had formed an intimate friendship, continued up to his death.

His achievements in this position will be detailed more at length below. It will be sufficient here to say that

he continued the Hay policy in the Far East of equal opportunity for all nations and the integrity of China, and that, though charged with "dollar diplomacy," he pursued a policy of peace towards Latin America and the world generally, several important controversies of long standing being brought to satisfactory settlement during his administration.

The Roosevelt-Taft feud, in which Knox, though devotedly fond of Colonel Roosevelt, gave his aid and sympathy to President Taft, furnished him but a brief vacation from public service, for the taste that he was so long in cultivating had acquired a lasting attraction. Senator Walsh of Montana in his memorial address said: "It is well known that he declined official honors of the most tempting character, yet he had one ambition, as I can testify. He once confided to me that he came back to the Senate—finding the pursuit of a private business unsatisfying—from a desire to render some service to the public rather than to end his days in amassing or adding to a private fortune."⁵ On November 6, 1916 he was elected United States Senator again, for the term beginning March 4, 1917. He was destined never to serve out a full term as senator. After taking a prominent part in the defeat of the Versailles Treaty and suggesting what afterwards became the basis of the separate peace with Germany, he was suddenly stricken on October 12, 1921, shortly after leaving the Senate chamber apparently in good health. His colleague Senator Penrose announced his death to the Senate on the following morning and he was laid to rest at Valley Forge, where he had made his country home for a number of years.

Thus was brought to a conclusion a career filled with a variety of achievements—nearly twenty years in public life, seven as a Cabinet officer and ten as senator, though not without interruption to vary the monotony of long-continued service. Many were the tributes to his memory on the part of his colleagues, Democrat as well as Republican. Walsh of Montana, Reed of Pennsylvania, McCormick, Lodge, Warren, and a number of others spoke more or less at length.

Nothing is said at a funeral that is not tender to the deceased, yet these statements of men who knew him intimately help to illumine for us the man's personality and character. Senator Lodge, who was perhaps as close to him as any of his colleagues, characterized him in part as follows: "He always held decided opinions and was a man of the most entire courage physically as well as intellectually and morally. No one could ever have a doubt as to his position or as to his power of defense and attack which went with the assumption of any principle which was under debate."⁶ Perhaps the most picturesque and at the same time most forcible tribute was that of Representative Burke before the Allegheny County Bar Association:

"Less people knew him intimately and more people knew him generally than most of the great men of his day. He had a social side that it was a delight to know. He cast a fly with the skill of Izaak Walton; he drove a race horse with a mastery that made a world's record; he drove a golf ball with the precision of an accomplished devotee of the royal and ancient game; he quoted the Bible with the ease of a theologian;

he recited the poems of the masters with the accuracy of a professor; he told a story with a precision and a humor that convulsed the lovers of real wit; and his conversation had a charm equaled by few.

"He dissected a statute and expounded a constitutional principle with the adroitness of a special pleader on the one hand and the profound reasoning faculties of a great jurist on the other.

"If he was thought to be exclusive, it was modesty rather than indifference or a haughty spirit that was responsible. He was a keen observer of men, and, as a matter of fact, he knew others better than others knew him.

"As an orator other men were more eloquent but none were more sincere and none more convincing as a consequence of his irresistible logic.

"He participated little in running debate, but when he spoke he held the ears of the Senate and the attention of the country.

"He shrank from the things that make for notoriety, but devoted himself to those greater achievements that make for fame.

"Principle constantly was his guide, and the banner of expediency under which the opportunist finds a refuge was always a subject of his contempt."

This the man; let us turn now to his deeds.

CHAPTER II

TRUST-BUSTER AND RATE-MAKER

THE district attorney of Stark County, Ohio, in the early seventies had a long memory. Although his path and that of the young collegian of Mount Union College separated shortly thereafter, the passage of thirty years was not sufficient to lessen the attachment then formed. During that period the erstwhile district attorney of Stark County had served his state as representative in Congress and had finally been chosen President. The young collegian had also turned to the law. He too had served a year as district attorney, for the western district of Pennsylvania; then for twenty years he practised his profession with notable success. When his friend William McKinley became President of the United States, Philander C. Knox was chosen president of the Pennsylvania Bar Association, the highest gift within the power of the lawyers of his state.

It was perfectly natural, therefore, that President McKinley should have selected Knox as his Attorney-General, both because of the long-standing warm personal friendship and because of Knox's conspicuous position at the American bar. The view had not yet become prevalent that the Attorney-General ought to be a man more distinguished for administrative than for legal ability. It was still felt that the Attorney-General should be an active pleader, able himself to plead at least the graver cases in which the people had

an interest before the Supreme Court. It was believed that Knox's previous experience with "big business," coupled with his legal knowledge and skill in pleading, would give him that breadth of view and confident ease in handling the questions of importance which demanded solution.

At first, he was loath to accept his friend's invitation to enter public service, but scarcely a month had elapsed after the beginning of McKinley's second term before the resignation of John W. Griggs made it possible to renew the offer, and this time it was not declined. When his nomination was first sent to the Senate, it was in the normal course of events referred to the judiciary committee. Some objections to his confirmation developed there because he had been attorney for the Carnegie Steel Corporation, but they were not sufficient to prevent his confirmation, in spite of his unwillingness to dignify the charges by making answer. He entered upon office on April 9, 1901. Six months later President McKinley was assassinated, but that untoward event did not interrupt Knox's service as Attorney-General under McKinley's successor.

"His accession to the office [says Senator Walsh, a political opponent of Knox's party and a constitutional lawyer of national repute] was particularly opportune. The public conscience was rising in revolt at the perfectly flagrant disregard of the Sherman Antitrust Act in the world of high finance. It had remained a more or less moribund statute since the decision of the Supreme Court in *Knight v. United States*, believed by those who wished it so, to have

pulled the teeth out of the law. Moreover, an unwholesome sentiment had been engendered, or at least prevailed, that the law might well be allowed to fall into innocuous desuetude; that the great captains of industry, then enjoying their heyday, ought not to be hampered in their projects, and that the statute contravened some inexorable law of business growth. At the same time an even more ominous opinion was, from time to time, expressed, and somewhat widely entertained, that it was idle to expect any real restraint through the courts upon the corrupt or illegal transactions of those of great wealth.”⁸

About this time James J. Hill, J. Pierpont Morgan, and their associates were attempting to engineer the merger of the Great Northern, the Northern Pacific, and the Chicago, Burlington and Quincy railroads by the organization of a holding company, incorporated in New Jersey on November 13, 1901, under the name of the Northern Securities Company.⁹ President Roosevelt requested an opinion upon the legality of such a procedure from Attorney-General Knox, who, on February 19, 1902, authorized the following statement:

“Sometime ago the President requested an opinion as to the legality of this merger, and I have recently given him one to the effect that, in my judgment, it violates the provisions of the Sherman Act of 1890 [the Anti-Trust Act], whereupon he directed that suitable action should be taken to have the question judicially determined.”¹⁰

Accordingly suit was brought by the Government on March 10, 1902, in the circuit court for the district of Minnesota, based on the Sherman Anti-Trust Act of 1890, which forbade "every contract, combination in the form of trust or otherwise, in restraint of trade or commerce among the several states." The case was decided against the company on April 9, 1903,¹¹ and on appeal the judgment was affirmed by the Supreme Court of the United States by a five to four decision on March 14, 1904.¹² Senator Walsh, seventeen years later, sums up the case in the following words:

"To the rising tide of popular resentment at the orgy of industrial combinations, in apparent defiance of the law, which characterized the closing years of the last century, President Roosevelt made such notable contributions that neither calumny nor political detraction can ever obscure the just fame due him by reason thereof. In clarion tones he declaimed against the malefactors of great wealth. He did more. He determined to set the law in motion against them. In his Attorney General, the late Senator Knox, he had at hand a man preeminently fitted for the Herculean task. Tried in many a forensic battle, familiar with the intricacies of corporate organization and finance, moved neither by fear nor ambition, he brought to it a highly trained and marvelously well-balanced mind. It was no ordinary achievement when the darling project of James J. Hill, empire builder, for the consolidation of three great railroad systems, apparently accomplished, was brought to naught through the process of the courts. To the litigation through

which this result was attained in all its stages Attorney General Knox gave his personal attention. He made the argument for the Government before the Supreme Court, and the brief submitted on its behalf bears every evidence of being a product of his superb intellect. The Northern Securities Company case was epoch-making in more senses than one."¹³

President Roosevelt himself regarded the Northern Securities case as "one of the great achievements" of his Administration, for through it he "emphasized in signal fashion, as in no other way could be emphasized, the fact that the most powerful men in this country were held to accountability before the law."¹⁴

What President Roosevelt himself considered the greatest single achievement of his Administration, according to Oscar King Davis, was the building of the Panama Canal,¹⁵ and in this undertaking his Attorney-General played no unimportant part. On January 9, 1902 the Hepburn Bill, providing for the construction of a canal through Nicaragua, was passed almost unanimously by the House of Representatives, although less than a week previously the New Panama Canal Company had cabled a definite offer to sell its property and interests to the United States for forty million dollars. When the bill came up in the Senate, the situation had changed somewhat, because of the more sane and reasonable attitude of the French Panama company, and Senator Spooner secured almost unanimous consent for his amendment, which was virtually a substitute, authorizing the President, among other things, to accept the offer of the French company. The House, after a

conference, accepted the Senate amendment, and the act was signed by President Roosevelt, on June 28.¹⁶

Attorney-General Knox was forthwith dispatched to Paris to investigate the affairs of the successor to de Lesseps's company. The question was fraught with difficulties involving treaty rights, national and international obligations, and private contracts, all intermingled and intertwined almost inextricably. After a thorough investigation he reported the title clear. Some months afterwards, on the eve of Taft's presidential campaign, when charges were rife that friends and relatives of the outgoing and incoming Presidents had profited by exploiting the stock of the French company, Knox is reported to have said that he brought back all of the necessary papers to prove title except the one to which we were not entitled—namely, the minutes of the last meeting of the French company.¹⁷ But no one has ever questioned the legal title he brought back from Paris, however questionable other details about the diplomacy of the Panama Canal may be considered. In this connexion the story is told that when President Roosevelt, in a Cabinet meeting, characterizing his attitude with regard to the revolution in Panama, said: "I simply lifted my foot," his Attorney-General replied: "Oh, Mr. President, do not let so great an achievement suffer from any taint of legality."¹⁸

That Knox had a large share in the formulation and execution of the Roosevelt policies is attested by his fellow Cabinet members as well as by Colonel Roosevelt himself. Charles Emory Smith, a member of the Cabinets of both McKinley and Roosevelt, said that he was "one man, beyond all others" associated with

their "origin, evolution, execution and success."¹⁹ In the national convention of 1904 Elihu Root, then Secretary of State, said that "the Attorney General has gone on in the same practical way; not to talk of trusts, but to proceed by law for their regulation,"²⁰ and President Roosevelt, speaking in Pennsylvania, on October 4, 1906, said that the Government had "taken very long strides" in the direction of corporation control under Knox's leadership.

"Trust-busting" was not the only concern of the Attorney-General. He instituted the first peonage-prosecution in the United States and secured the conviction and punishment of those who were attempting to reintroduce this species of slavery in the South. He conducted the negotiations for the laying of the Pacific cable, procuring a most advantageous arrangement for the Government. He wrote the law creating the Department of Commerce and Labor. He upheld the Chinese exclusion and the law to deport alien anarchists from this country. His analysis determined the policy on which the United States tried and won the Alaskan boundary case. He asserted the right of the Government to intervene in a private damage suit under the Safety Appliance Act, with the result that the constitutionality of that important law was vindicated and sustained. He helped to shape the legislation through which the Interstate Commerce Commission was made an effective agency for the regulation and control of railroad rates.²¹ His part in the prosecution of land and postal frauds and in the extradition of Gaynor and Greene (the latter settled by a decision of the Privy Council in London in February 1905) is familiar to all

his contemporaries. Here is variety of achievement a-plenty, but further apprenticeship was to be exacted before he was to conduct the foreign relations of the nation.

The death of Senator Matthew S. Quay, of Pennsylvania, induced Governor Pennypacker, in June 1904, to appoint Knox to fill the vacancy. He took his seat on July 1, 1904, and a few days later relinquished his duties as Attorney-General. Upon the expiration of Senator Quay's term he was elected for a full term of six years. As senator he was active and influential, especially in railroad-rate legislation, and was chairman of the committee on rules. His position on railroad legislation is summed up in an address before the Lincoln Club of Kalamazoo, Michigan, on February 11, 1908, on "The People, the Railroads and the National Authority," in which he discussed the railroad-rate law, the safety-appliance law, the law limiting the number of hours railroad employees can be consecutively employed, and the Employer's Liability Act, which had recently been declared unconstitutional, but whose "beneficent provisions," he said, "are sure to be re-enacted upon valid and constitutional lines." In the course of his remarks he laid down the following guiding principle:

"Laws enacted under the public authority in a spirit of wisdom and toleration, enforced impartially, promptly and fearlessly, repealed when found unsuited to conditions or to be oppressive, will not only mark us as a people progressing in the art of self-government, but will reduce to a minimum any conflict between the people and the railroads between whom

there should be the peace that will enable the one to receive and the other to render a service that 'measures the profitable production of this vast country.'"

Before he had served out the term for which he was elected, he was called by President Taft to become Secretary of State. His nomination was confirmed on March 5 and he took the oath on March 6, 1909.

CHAPTER III

APPOINTMENT AND REORGANIZATION

WILLIAM H. TAFT, before his victory over Bryan in 1908, volunteered the statement to President Roosevelt that he intended, when elected, to keep the entire Roosevelt Cabinet in office. Perhaps the statement was made in a moment of enthusiastic admiration for his predecessor, under whom he had served in more than one capacity. At any rate, it was not regarded as a promise. In fact, the only two men whom Roosevelt stated he would like to see retained in the Taft Cabinet were completely overlooked.²² It seems that Roosevelt not only did not dominate his "heir," but was not even consulted, at least in the matter of these appointments.

Among those who did enjoy President-elect Taft's confidence in the matter was Knox. The intimacy existing between the two is aptly illustrated by the following incident. On May 24, 1908, Knox, as chairman of the Senate committee on rules, addressed a letter to Taft as Secretary of War and an influential member of Roosevelt's Cabinet, concerning a House bill for additional protection to owners of patents. He had received a letter from Attorney-General Bonaparte stating that the bill had been discussed in a recent Cabinet meeting, and giving his reasons why he thought the President should not sign the bill. Consequently, Senator Knox confidently enclosed a copy of his reply to the

Attorney-General, stating "why I thought the bill should be approved, which I ask you to kindly consider."²³

Taft evidently consulted Knox and relied considerably upon his judgment in his policies and appointments. In a letter of December 26, 1908, in reply to Taft's letter of December 22, Knox fully agreed with the wisdom of the proposal to raise the legation in China to an embassy. "We may appear," he said, "to offend the pride of Spain and to snub the aspirations of Chile but rightly viewed no such intention could be detected in such an obvious act of expediency."²⁴ He promised "to take the matter up with members of the Senate." The letter was headed: "Dear Taft," and in it Knox expresses a willingness to go to Augusta, where Taft was enjoying a brief vacation, "at any time," and also acknowledged that he had "some notions about the gentleman you name and some about others not named."

A few days later an item in the New York *Times* concerning Beekman Winthrop induced Knox to write to Taft again,²⁵ to explain that neither Winthrop nor himself had been responsible for the leak. "The newspaper men here," he significantly remarked, "recognized my relations to your confidence and are not even trying to find out what is going on through me." These "relations" in large measure consisted in sizing up Cabinet timber and unofficially securing the reaction of Aldrich, Hale, Crane, and other influential senators to the various candidates. Winthrop wanted to be "Undersecretary of State,"²⁶ a position that Root strongly desired the Senate to create, but Knox in a later letter said he thought Winthrop was "not fully matured."²⁷

In the same letter Knox recommended Vandevanter

for the Treasury, "who regards Nagle as high class," and Judge Day for Commerce and Labor, and wound up his letter by saying: "If you want me to meet you at Charleston before you sail [that is, to Panama], it will be a pleasure to respond." Again when Taft was on his way back from Panama, on the U.S.S. *North Carolina*, he sent Knox a wireless in the new Navy code, in care of Brigadier-General Edwards, at the Bureau of Insular Affairs, suggesting a new Cabinet possibility:

"Am considering new man for Treasury, Walter Fisher, of Chicago. Not a banker and not an active lawyer, but prominent in municipal reform movements, and the chief negotiator in settlement of street railway traction matter. Should like to have in Cabinet a distinct representative of reform movement of a sane and practical tendency. My information indicates that he could work our financial problems of the Treasury as quickly as anyone not a trained financier, and there are objections to taking a financier at all. Hopkins will oppose him, but I think Cullom and Deneen would not be. Wickersham must know him well because he settled Chicago traction matter with him. Should be glad to have instituted inquiry as quickly as possible concerning him. If we must make a good Secretary of the Treasury out of inexperienced material, am inclined to think Fisher as good as anyone, and he introduces into the Cabinet a general element that I should like to have there. Hope to reach New Orleans by noon of Thursday."²⁸

An exchange of telegrams on February 22, 1909, when Taft was spending a few days with Dr. S. Weir Mitchell

at Philadelphia, and Knox was busy securing legislation for the Department that he was to head, sheds revealing light upon the unusual intimacy between the two men. Knox had wired to Taft:

“Please telegraph Cannon today that you regard the additional officers asked for the State Department as essential to meet the increased work of the Department and that the office of Under Secretary should be created and ask him to show your message to the leaders in the House.”

To which Taft laconically replied:

“Have sent telegram to Speaker as requested.”²⁹

These incidents show unmistakably that Knox, in accepting the portfolio of foreign affairs, considered himself, and seemed to be considered, as a sort of “prime minister” in the new Administration. Some *a priori* colouring, therefore, is lent to the rumour of a couple of years later that he contemplated resigning because his influence beyond his own Department had not proved to be as great as he had anticipated. The latter eventuality was forestalled only by the abortive publication of the state of affairs by an enterprising journalist.³⁰ That he still retained Taft’s confidence and esteem is evidenced by the tender of a Supreme Court appointment, which he declined in a letter of November 29, 1911:

“I am deeply gratified to you for the offer to nominate me for the place upon the Supreme Court made vacant by the death of Mr. Justice Harlan.

“To be thought worthy to fill so eminent a place by one so conspicuously fitted to make discriminating choice is in itself an honor fair and distinct.

“I shall omit reference to the reasons which have influenced me in the past in determining that such abilities as I may possess for the public service did not suggest a judicial career, beyond saying that my exalted conception of the judicial function is not satisfied by any contemplation of my own aptitudes.

“Therefore with the sincerest thanks for your expressions of confidence and over generous appraisal of my service I will ask you, dear Mr. President, to accept this as evidence of my unwillingness to sever our present most agreeable official relations.”³¹

At any rate, the Knox influence upon the selection of the new Cabinet members may perhaps be inferred from the “conspicuous fact . . . that seven of the nine have been educated as lawyers and five have attained a high rank in their profession,” and all of these five “have been more or less intimately concerned with great corporations, transportation or industrial.”³²

Several incidents in the first days of the Taft Administration pointed to the dominance of Knox. When his name was proposed to the Senate for confirmation, there was some discussion. Senator Penrose announced that his former colleague had sent in his resignation to Governor Stuart of Pennsylvania several days previously. No other proof was presented, but in the absence of formal opposition he was immediately confirmed, as is customary with former senators, while the other Cabinet nominations were confirmed only after having been

referred to various committees and reported back. On the request of Knox, Huntington Wilson was confirmed as Assistant Secretary of State. Even before he took the oath, Knox was closeted with President Taft almost immediately after the latter reached his office—the only official business reported by the press for the first day of the new Administration. Knox himself took the oath on March 6 and “made the round of the department offices on a sort of tour of inspection. He remarked that it was only the third time he had been in the department.”³³

He quickly made up for lost time. He frequently arrived early at his office and stayed late, as the exigencies of the public business required. While “the details of the work of the department wearied him almost to the point of cynicism and he fled from them as frequently as the executive work would permit, . . . his moments of apparent leisure were given to the study and preparation of the really great state policies.”³⁴

One of the first things to receive his attention was the reorganization of the Department, so that the growing interests of the Government in all parts of the world might be cared for by different divisions. In this way the business with different groups of countries would pass through the hands of officials who in the foreign service had previously acquired an intimate and vivid knowledge of the conditions in the countries respectively assigned to them.³⁵ It was also thought that an interchange of personnel between the Department and the foreign service, bringing members of the foreign service home for service in Washington from time to time, would create a wider *esprit de corps* and prevent

any general loss of touch with the home view-point.³⁶ In accordance with these two principles, under appropriations secured from Congress by Secretary Knox, there were created a Division of Latin American Affairs, a Division of Far Eastern Affairs, a Division of Near Eastern Affairs, and a Division of Western European Affairs, together with a greatly expanded Bureau of Trade Relations and a Division of Information.

More perfect co-ordination likewise was the guiding principle in a number of other improvements. The merit system of selection and promotion introduced by Secretary Root in 1906 into the consular service was extended by an executive order of November 1909 to the diplomatic service, up to the grade of chief of mission and including all the secretaries and other subordinates of embassies and legations, paving the way for the Rogers Act of a later Administration.

These were the internal effects of Secretary Knox's appointment upon our Department of State. We shall now observe the external effects upon the foreign policies to be carried out in the Far East, in Latin America, and elsewhere.

CHAPTER IV

DOLLAR DIPLOMACY IN THE FAR EAST

AT the end of a year in office President Taft, after reviewing the achievements of his Administration, closed a public address with these words:

“To the record of a year’s accomplishments under Secretary Knox in our foreign affairs, I think I may properly point with pride, and yet with becoming modesty, for it is his work and not mine. All I can claim is the merit of selecting him for the task.”³⁷

Conspicuous among these accomplishments was the extension of the “open door” policy inaugurated by John Hay to what has been popularly and somewhat opprobriously termed “dollar diplomacy.” President Taft believed that “while our foreign policy should not be turned a hair’s breadth from the straight path of justice, it may be well made to include active intervention to secure for our merchandise and our capitalists opportunity for profitable investment which shall inure to the benefit of both countries concerned.”³⁸

Secretary Knox likewise objected to the use of the term “dollar diplomacy” in a disparaging sense. “If the American dollar,” he said, “can aid suffering humanity and lift the burden of financial difficulty from States with which we live on terms of intimate intercourse and

earnest friendship, and replace insecurity and devastation by stability and peaceful self-development, all I can say is that it would be hard to find better employment."³⁹

China had for some time been the arena of the "battle of concessions." The immense development of the economic resources of Europe and the over-production of capital resulted in an unprecedented outflow of capital to all parts of the world. After the Sino-Japanese War, of 1895, the powerful Western nations and Japan began actively the attempt to establish exclusive "spheres of interest" in various sections of China through the medium of railway concessions and public loans. Secretary Hay, it has been shown already in this volume, by the "open door" policy sought to eliminate these exclusive spheres of interest, which seemed bound to develop into violations of China's territorial integrity.

Secretary Knox continued this policy of his predecessors, as it was only under the "open door" that American capital could hope to compete successfully with other foreign capital in the investment field in China. An opportunity to show his attitude towards the matter soon presented itself. The representative of a group of American bankers, acting also for an English construction company, had secured from the Chinese Imperial Government a contract for the financing and construction of a railway from Chinchou north to Tsitsihar and to Aigun on the Amur River, passing from Manchuria through Mongolia and crossing the Russian Trans-Siberian Railway. The preliminary agreement⁴⁰ was ratified by an imperial edict in January 1910. As this enterprise would open up a large new field in China and

would directly, as well as indirectly, benefit both Chinese and American commerce, our Government agreed cordially to support it. This railway project furnished the basis of Knox's plan for the "neutralization" of all the railways of Manchuria, suggested in a memorandum dated November 9, 1909, and forwarded to the British Foreign Office through the American ambassador at London.⁴¹

Briefly, the plan was as follows. Russia, Japan, and other nations, including the United States, should join in advancing to China the sum of money necessary to enable that Government to take over the railroads of Manchuria. Since China in her various treaties had reserved the right to buy the railways in Manchuria after a certain period, the effect of the plan was simply to anticipate that date. But the nations making the loan were also to participate in the management of the railways, at least for a time. The plan for "neutralization" of the Manchurian railways formed an integral part of the general policy of the United States towards China and her railway projects⁴²—"a policy of righteousness, tempered by enlightened self-interest."⁴³

The reply of the British Secretary, Sir Edward Grey, on November 25, 1909,⁴⁴ approved the plan in principle, but suggested delay, at least until the Hukuang loan should have been completed. Although China itself approved the neutralization plan,⁴⁵ both Russia⁴⁶ and Japan⁴⁷ objected. As the nearest neighbours of China they had been vying with one another in their attempts to secure exclusive control in territory nearest them, even to the point of bloodshed. Now, however, the erstwhile enemies made common cause, and their final

representations to the Chinese Government coincide so closely in wording and date that one is led to believe there may have been some co-operation in their opposition. On January 31 and February 2, 1910, respectively, the Japanese and Russian ministers to Peking addressed the Chinese Foreign Office as follows:

Japanese Note

"Before the Chinese Government determines anything, the consent of my Government must first be obtained. If the position of my country is ignored and a decision is made without referring the matter to my Government, it will be hard to estimate the seriousness of the trouble that may be caused in the relations of the two countries."

Russian Note

"The Russian Government expects that China will not settle such matters without first consulting Russia. Otherwise there will be trouble in the relations between the two countries."

The German Government announced its approval of the neutralization plan,⁴⁸ but France, as an ally of Russia, and Great Britain also, because of treaty relations with Russia, finally registered opposition to the plan "until the Chinese had come to terms with Russia about it."⁴⁹

The project, therefore, failed, and for a while it appeared as if Knox had blundered in thus forcing unwittingly a rapprochement between Russia and Japan for joint action in Manchuria,⁵⁰ but Secretary Knox, in thus suggesting a restraint upon the establishment of exclusive claims in Manchuria to the detriment of Chinese

sovereignty, had virtually served notice on all concerned that the United States would not stand by and see unmoved the dismemberment of China, including Manchuria. Although China is still struggling to extricate itself from the inequalities and injustices imposed by treaties,⁵¹ the vigorous policy of Knox—had it been continued by President Wilson, and had not a civil war in China and the World War made it possible for Japan, while the attention of Russia and the Western world was concentrated elsewhere, to issue the famous Twenty-One Demands⁵² and subsequently to strengthen its position by a more definite understanding with Russia⁵³—might have sped the day of domestic tranquillity and of the redemption of the sovereign independence of China.

Secretary Knox's desire to keep open the whole of China to American commerce and investment, and to "sit in" with the other great powers to prevent any menace to the integrity of China following such foreign loans, resulted in the four-power Chinese consortium negotiations of 1909 and 1910. Early in 1909 it developed that French, German, and British banks were about to conclude a loan to China for the construction of a great railway system in the heart of the Yangtze Valley, whereupon the United States Government, relying upon promises made by the Chinese Government in 1903 and 1904, asserted the right to participate in the proposed loan. In the course of the negotiations President Taft resorted to the extraordinary step of communicating directly with Prince Regent Chun, head of the Chinese Government. A telegram, dated July 15, 1909,⁵⁴ explained his attitude in the matter and, by the way, also the American policy towards China in general:

"I am disturbed at the report that there is certain prejudiced opposition to your Government's arranging for equal participation by American capital in the present railway loan. To your wise judgment it will of course be clear that the wishes of the United States are based not only upon China's promises of 1903 and 1904, confirmed last month, but also upon broad national and impersonal principles of equity and good policy in which a regard for the best interests of your country has a prominent part. . . . I have an intense personal interest in making the use of American capital in the development of China an instrument for the promotion of the welfare of China, and an increase in her material prosperity without entanglements or creating embarrassments affecting the growth of her independent political power and the preservation of her territorial integrity."

The reasons for this energetic action on the part of the United States Government, which at first were not popularly understood, were reviewed by Secretary Knox in a statement given to the press on January 6, 1910:

"Railroad loans floated by China have in the past generally been given an imperial guaranty and secured by first mortgages on the lines constructed or by pledging provincial revenues as security. The proposed hypothecation of China's internal revenues for a loan [the Hukuang loan] was therefore regarded as involving important political considerations. The fact that the loan was to carry an imperial guaranty and be secured on the internal revenues made it of the

greatest importance that the United States should participate therein in order that this Government might be in a position as an interested party to exercise an influence equal to that of any of the other three Powers in any question arising through the pledging of China's national resources, and to enable the United States, moreover, at the proper time again to support China in urgent and desirable fiscal administrative reforms, such as the abolition of *likin*, the revision of the customs tariff and general fiscal and monetary rehabilitation."

Four and a half months later, on May 23, 1910, an agreement was reached between representatives of the banks of the four foreign countries, and on May 20 of the following year the loan agreement with China was signed by the four banking groups.⁵⁵ The admission of the American group, represented by Willard Straight, paved the way for American participation in the currency loan of 1911,⁵⁶ which, owing to the outbreak of the revolution at the close of the year, was never actually floated, and subsequent loans.

This "consortium" of banks of the four foreign nations was somewhat cautious about advancing money to the revolutionary Government, which therefore felt at liberty to seek funds elsewhere. It succeeded in securing a loan from a British banking firm without approval and co-operation of the British Government, with the salt revenues pledged as security. The result proved the impracticability of action independent of the "consortium"—less than fifty per cent was subscribed by the public in London.

Shortly after the four-power currency loan of 1911 the Russian and Japanese Governments requested and secured the admission of their banking interests into the consortium.⁵⁷ This six-power arrangement was disrupted, first by the withdrawal of official support of American banks by President Wilson in an announcement on March 18, 1913, and subsequently by the World War, which affected the German and Russian participation. Mr. W. W. Rockhill, skilled in oriental diplomacy, a short time before his death, in 1914, decrying the action of President Wilson, remarked:

"I cannot pass it [American financial participation] by without mention of the permanent moral benefits it brought us, the practical assistance it rendered China while it lasted, in defending her rights and interests, and the profound regret of China and her friends when, moved by idealist views and imperfect information, the present administration saw fit, in the spring of last year, to withdraw its support from the American banks."⁵⁸

Although Secretary Knox's policy, therefore, was repudiated for the time being upon the loftiest of motives, its practical wisdom was manifested by its subsequent revival and extension in the four-power consortium of 1920.⁵⁹ It is noteworthy that, in spite of differences of opinion in different administrations, "the United States is the only great nation that has maintained throughout its relations with China a consistent attitude of unselfishness and of a decent consideration and respect for the sovereign rights of the Chinese people."⁶⁰

CHAPTER V

DOLLAR DIPLOMACY AND THE MONROE DOCTRINE

THE term "dollar diplomacy," however, has been more popularly associated with Secretary Knox's policy towards the Central American republics, and particularly Honduras and Nicaragua. He had not been long in office before he disclosed an intention to give Central American affairs a place of importance in his foreign policy. He believed that the elimination of the European powers from Latin America—a principle embodied in the Monroe Doctrine—imposed a heavy responsibility upon the United States, "in that we should respond to the needs still felt by some few of our Latin-American neighbors in their progress toward good government, by assisting them to meet their just obligations and to keep out of trouble."⁶¹ In this he was, as he himself said, simply following the example of his illustrious predecessor with the Dominican Republic.

Central America had been in turmoil for some years. Revolutions had sapped the financial strength, not only by the expenses of the sinews of war, but also by the graft and corruption attendant upon the granting of monopolies and other concessions. A prime mover in these disorders was President Zelaya of Nicaragua.⁶² Mr. Knox took advantage of an insurrection in Nicaragua and the execution of two Americans by the Nicaraguan Government to launch his plan in the "Knox note"

of December 1, 1909, dismissing the Zelaya representative in Washington.⁶³ His plan, as eventually evolved, was simple to the point of *naïveté*: stabilize the governments by reorganizing their finances and discountenance further revolutions by removing the motive, custom-houses, beyond the attainment of prospective revolutionists.

Treaties putting this plan into effect were negotiated at Washington with Honduras, signed on January 10, 1911, and with Nicaragua, signed on June 6 following. The preambles point to the urgent necessity of the United States to assist the republics in the rehabilitation of their finances, and recite the fact that aid has been requested.

“In order to avoid the danger of further embarrassment with foreign creditors, the conventions provide (first) that a loan shall be placed in the United States; in order to provide that the bankers’ contracts, which it will be necessary to negotiate to work out the details of their financial problems, may be equitable and just, and also that they may be properly executed, it is provided (second) that the Signatory Governments shall take due note of the terms and shall consult in case of any difficulties. That the loan may be properly secured, the conventions stipulate (third) that the customs duties shall be pledged; that this security may be adequate and may not be interfered with, it is agreed (fourth) that the customs duties shall not be changed without the consent of the Government of the United States. To assure the proper collection and administration of the customs by a

competent person, it is provided (fifth) that a receiver-general of customs shall be appointed by the Government of the country concerned from a list of names prepared by the fiscal agent of the contemplated loan and approved by the President of the United States. To insure the proper discharge of the duties of the receiver-general of customs, it is agreed (sixth) that he shall be under obligation to report annually, and upon request, to both parties to the conventions. In order that he may effectively, conscientiously, and independently perform his functions, and to prevent customs houses continuing to be the goal of revolutionists, it is stipulated (seventh) that the Government of the country concerned will protect him, and (eighth) that the Government of the United States shall afford him such protection as it may deem requisite, there being thus obtained just so much assurance of stable conditions and proper customs collections as will enable Nicaragua and Honduras to borrow the money necessary to rehabilitate their national finances at anything like a reasonable rate of interest.”⁶⁴

The conventions themselves were quite separate from any bankers' contracts. The latter were simply made possible by the former. Secretary Knox also devised a Nicaraguan claims commission, composed of two Americans and one Nicaraguan—not an international court, but a national court acting under the laws of Nicaragua—to determine the validity of claims and apportion the amounts due.⁶⁵ The Government of Nicaragua approved the convention and before the latter could be ratified

by the United States Senate, had placed a preliminary loan with American bankers, engaged one American as financial adviser, two as claim commissioners, one as collector-general of customs, and one as assistant collector-general of customs.

Whether opposed to "dollar diplomacy" in general or peevish at the proleptic execution of the treaty, the Senate refused to ratify, and consequently the bankers declined to make further advances. A revolutionary outbreak induced the Nicaraguan Government to request American assistance and accordingly marines were landed at Corinto in the latter part of 1911. Although the revolution was thus put down, the Nicaraguan Government again began to feel the pinch of poverty.⁶⁶ Foreign creditors were becoming restless, but some hope for relief appeared in the desire of German interests for an interoceanic canal through Nicaragua. Secretary Knox lost no time, therefore, in negotiating another treaty, agreeing to pay Nicaragua three million dollars in return for an exclusive right of way for a canal through her territory, a naval base on the Gulf of Fonseca and a ninety-nine year lease of Great Corn and Little Corn Islands in the Caribbean. The treaty was submitted to the Senate too late to secure ratification before the end of the Taft Administration, but the Wilson Administration followed the same policy, and virtually the same treaty, though considerably amended by the Senate, called the Bryan-Chamorro Treaty, was ratified by the Senate on February 18, 1916⁶⁷—vindication again of the wisdom of Knox's policy.

"Dollar diplomacy," however, was not without its enemies in Central America,⁶⁸ as well as in the United

States. To probe the depth of this sentiment and to allay unwarranted suspicions of ulterior motives on the part of the United States, Secretary Knox made a "swing around the circle" early in 1912, making speeches and addresses in Panama, Costa Rica, Nicaragua, Honduras, Salvador, Guatemala, Venezuela, the Dominican Republic, Haiti, and Cuba⁶⁹—the first Secretary of State to visit the republics of the Caribbean "for the purpose of making the personal acquaintance of their leaders and studying at close hand their special problems."⁷⁰ It will be noted that he failed to visit Colombia and Mexico—the former because of the Panama Canal episode occurring in the Roosevelt Administration, and the latter because of the disturbed conditions there.

In no uncertain terms did the Secretary of State disclaim imperialistic ideas. In Nicaragua, for instance, at a solemn session of the National Constitutional Assembly, held in his honour, he declared in reply to Dr. Ignacio Suárez, president of that body:

"I note, Mr. President, what you have said in regard to the existence of some apprehension here and in other republics of Latin America as to the true motives and purposes of the United States toward them under the Monroe Doctrine. I beg to assure you, and I am sure that what I say meets the approval of the people and President of the United States, that my Government does not covet an inch of territory south of the Rio Grande. The full measure and extent of our policy is to assist in the maintenance of republican institutions upon this hemisphere, and we are anxious that the experiment of a government

of the people, for the people, and by the people shall not fail in any republic on this continent. We have a well-known policy as to causes that might threaten the existence of an American republic from beyond the sea. We are equally desirous that there shall be no failure to maintain a republican form of government from forces of disintegration originating from within; and so far as we may be able we will always be found willing to lend such proper assistance as may be within our power to preserve the stability of our sister American republics.”⁷¹

Another corollary to the Monroe Doctrine was also developed during the Taft Administration—namely, that Asiatic as well as European nations must not be allowed a foothold on this continent. In the latter part of 1911 an American syndicate desired to sell a four-hundred-thousand-acre tract of land in Lower California, including Magdalena Bay, to a Japanese syndicate.⁷² The latter, however, were unwilling to buy without some assurance that the State Department had no objection. Secretary Knox declined “to make further comment” beyond suggesting “that such a transfer would be quite certain to be interpreted in some quarters in a manner to cause a great outcry.” A proposal for American control of an American-Japanese syndicate brought a no more favourable reply. The Senate got wind of the proposed sale and requested information of the Secretary,⁷³ and three weeks later the correspondence between the Secretary and the owner’s agent.⁷⁴ As a result Senator Lodge presented a resolution putting Knox’s actual policy into words and declaring that:

“When any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communication or the safety of the United States, the government of the United States could not see, without grave concern, the possession of such harbor or other place by any corporation or association which has such relations to another government not American as to give that government practical power of control for naval or military purposes.”

Though passed by a vote of fifty-one to four, it was not acceptable to President Taft,⁷⁵ who did not wish to give further offence where no offence was intended. The incident is noteworthy in that it was the first application of the Monroe Doctrine to Japan, an extension of it to the occupation of American soil by a foreign corporation on the ground that such possession would afford an opportunity for political influence, and an extension of it to cover private commercial transactions in America.⁷⁶

There is little to add, in a sketch of this length, of Knox's policies towards Latin-American problems beyond stating that in the Panama Canal tolls matter his hands were tied, in that he was obliged to uphold existing legislation, and that repeated efforts to mollify Colombia for her loss of Panama were unavailing, while towards Mexico, in the trying period of readjustment after years of dictatorship, he consistently maintained a friendly neutrality—a policy of moderation and restraint developed by the succeeding Administration.

CHAPTER VI

PEACE-MAKER

“**T**HE willingness of the United States,” declared Secretary Knox in a public address some fifteen months after he entered office,⁷⁷ “amicably to compose its own differences with other governments and its efforts to secure the general acceptance of the principle of international arbitration make a fine and consistent chapter in our diplomatic history.” His entire administration gives ample evidence of his attempts, successful and otherwise, to bring to a happy issue the efforts of his predecessors in this direction and to inaugurate the solution of other questions that might be sources of international discord.

The Bering Sea controversy,⁷⁸ arising out of the interpretation of the Russian treaty of cession of 1867,⁷⁹ and involving as it did the very existence of the valuable seal herd that frequented the Pribilof Islands, had finally been arbitrated under the treaty signed at Washington, February 29, 1892, and decided in 1893,⁸⁰ for the most part adversely to the United States. Regulations were suggested by the arbitrators for the protection of the seals. These were to be revised every five years, but by 1898, when the time limit first expired, they had proved so inadequate that the British and American experts were unable to agree upon their modification. The crux of the matter was that Canadians were slaughtering the seals in great numbers at sea,

while Americans were prohibited from pelagic sealing by act of Congress. Matters reached such a pass that President Roosevelt in his annual message of 1906, by way of retaliation, suggested to Congress the extermination of the herd by the United States "to put an end to the hideous cruelty now incident to pelagic sealing."

It was not until Taft's Administration, however, that the matter was settled, by a joint treaty with Great Britain, Russia, and Japan, signed at Washington on July 7, 1911.⁸¹ Pelagic sealing was to be prohibited north of latitude thirty degrees north, including the seas of Bering, Kamchatka, Okhotsk, and Japan, for a period of fifteen years and thereafter until terminated by a year's notice. Great Britain and Japan were each to receive fifteen per cent of the skins taken off the shores of the United States and Russia, and the United States, Great Britain, and Russia were each to receive ten per cent of the skins taken off the shores of Japan. An act of Congress of 1912 prohibited all killing whatsoever on land for a term of years to give the seals opportunity to recover from the devastating inroads upon their numbers.

About the same time another modification of the traditional three-mile limit of maritime jurisdiction was effected by the decision of the Permanent Court of Arbitration at The Hague, on September 7, 1910, in the North Atlantic fisheries case. This involved the right of the Canadian and Newfoundland Governments, without the consent of the United States, to impose unwarranted restrictions upon American fishermen. The question had been submitted to arbitration by a special agreement signed at Washington on January 27, 1909, by Secretary Root.⁸² Although the decision was largely

a compromise and mainly in favour of Newfoundland, it redounded to Knox's credit in that it provided for a method of settling disputes arising thereunder as fast as they arise.⁸³

More unsuccessful in the final outcome, but none the less noteworthy, was the attempt to establish a reciprocity agreement with Canada.⁸⁴ A previous treaty, a half-century before, had been denounced in 1865 by the United States after but eleven years, as a retaliatory measure against Great Britain. The Payne-Aldrich tariff of 1909 seemed to subject Canada to the maximum rates. Several provinces accordingly imposed export restrictions upon pulp-wood logs, and the Dominion itself negotiated a commercial treaty with France granting tariff concessions not enjoyed by the United States. In this contingency President Taft was unwilling to risk a disastrous tariff-war without further procedure. Commissioners were sent to the Dominion to discuss the situation. On March 19, 1910 the chief executive himself and Earl Grey, Governor-General of Canada, spoke at the same banquet-table in Albany on Canadian-American relations. On the same date he conferred with Mr. Fielding, the Canadian Minister of Finance. In January 1911 he recommended reciprocity with Canada in a special message to Congress. He realized that there was not the impelling urge on the part of Canada now that had existed fifty years before and that therefore some inducement must be offered to Canada.

It was difficult, however, to do this without compromising the time-honoured American interpretation of "most-favoured-nation" clauses in our treaties with other nations, especially in view of the elastic provisions

of the Payne-Aldrich tariff. Before the middle of February 1910 Secretary Knox had successfully negotiated that the minimum rates under this law should apply to Great Britain, Russia, Spain, Italy, Turkey, Switzerland,⁸⁵ Denmark, the Netherlands, Norway, Sweden, Belgium, Portugal, Persia, Egypt,⁸⁶ Germany,⁸⁷ Mexico, Brazil, Argentina, Panama, Paraguay, Uruguay, and Liberia.⁸⁸ It will be seen, therefore, that special trade-concessions to Canada might easily have led to complications. The delicate negotiations, almost entirely oral and informal, were in charge of Knox; the letter of Mr. Fielding and his associate to Knox, and the latter's reply, are the only official documents of any importance. The arrangement was to take the form of concurrent legislation because Canada wished to be free to annul it at any time if it should prove to be against Canadian interests.

It was a strange spectacle for an Administration of traditional protectionist background supporting a proposal bordering on, if not directly leading to, free trade, and in the enterprise relying upon political opponents for assistance.⁸⁹ For this is precisely what happened. The bill providing for the reciprocity agreement, being a money bill, was introduced first in the House of Representatives, where it was approved on April 21, 1911, by a substantial majority, but the Senate did not yield without a struggle. In fact, Mr. Taft felt it necessary to go over the Senate and appeal, as did Wilson later, to the people. In an address delivered before the Western Economic Society at Chicago, on June 3, 1911,⁹⁰ he explained all the advantages and explained away all the objections that had been offered, with the result

that in the following month the Senate likewise passed the measure. On July 26, 1911 it was signed by President Taft and became a law.

The victory was more apparent than real. Some ill-considered remarks made by annexationist politicians in the United States in the course of the debate on the arrangement produced a nationalistic resentment in Canada, which was seized upon and carefully nurtured by the big interests in Canada opposed to reciprocity, and by the political enemies of the Laurier Government, who were only too glad to have an issue upon which to encompass its downfall. For instance, ex-President Roosevelt had declared that adoption of the measure "would make Canada only an adjunct of the United States." The result was the rejection of the arrangement by the Dominion Parliament. But here again the policies of Taft, unsuccessful for the nonce, were destined for ultimate vindication; for some of the things aimed at by reciprocity were accomplished by the United States tariff of 1913, and his efforts at reciprocity, as one writer expresses it, "will loom forth as a mile-stone in the evolution from protection to free trade."⁹¹

Still less successful were the attempts to secure ratification of the general arbitration treaties with Great Britain and France. These were more or less in accord with a model treaty devised by the Hague Conference. Secretary Hay had concluded treaties of this character, and they had been referred to the Senate by President Roosevelt, but the Senate had refused to accept the President's view-point that the special agreements in individual arbitrations should not require ratification by the Senate. This objection was met by Secretary

Knox, who in 1911 negotiated similar treaties, yielding the point. He himself attempted to forestall opposition in a careful yet simply worded address before the American Society for Judicial Settlement of International Disputes, at Cincinnati, Ohio, on November 8, 1911:

“The treaties are simple in language and plan and are easily understood. They purport to deal with two kinds of differences: those which in their nature are arbitrable and those which are not. As to those which are arbitrable it is provided that they shall be arbitrated. As to those which are not arbitrable it is provided that they shall be the subject of deliberate inquiry, investigation, and advice. As to those differences concerning which the executive officers of two nations can not agree as to the class to which they belong, that question is to be decided by a joint commission of citizens of the countries concerned, unless the two countries decide by agreement between them to constitute the commission otherwise.”⁹²

The Senate inclined to the opinion that if these commissions found that the dispute was one for arbitration, then arbitration became obligatory. To meet this, Senator Lodge offered, as a part of the ratification resolution, a proposal making it clear that the Senate reserved its constitutional freedom of action to pass upon special agreements for arbitration, even when these commissions had decided that the matter was one for arbitration. In the course of his remarks⁹³ supporting the resolution, Senator Lodge called attention to two facts: first, that if these treaties were adopted, we could not

refuse to make similar ones with other nations with whom our relations might not be so fortunately disposed; and, second, that "all the differences with other nations in which we shall be involved will be American questions," except for pecuniary claims, "which are not serious as a matter of international difference." What was in Lodge's mind particularly was Japan, with whom a gentleman's agreement had just been entered into regarding Japanese immigration on the Pacific coast. To show the proximity of the danger, the Magdalena Bay episode mentioned above was brought forward as being a likely matter for arbitration if Japan should secure a treaty similar to the two under discussion and it were ratified without the reservation he proposed. The treaties were allowed to lapse, therefore, because the Administration was unwilling to admit the implications of the Senate's position. In 1915 the Bryan peace treaties met this objection and were promptly ratified. It seems as if the Knox peace policies were doomed to failure, only to be vindicated by subsequent events.

In like manner a proposal in the fall of 1909 to establish a court of arbitral justice in accordance with the recommendations of the Hague Conference proved abortive, although it was most favourably received by the powers to whom Knox had sent his circular note on the subject.

In spite of some of the failures at gestures towards peace, at the end of the Knox administration of the Department of State there was no international dispute of importance that had not been settled or started on the way to settlement, and even the failures, in the light of subsequent events, have appeared to be inte-

gral parts of the ultimate solution of the problems that they had apparently failed to solve. Much of the success of the next administration along these lines would perhaps have been impossible, or much more difficult of attainment, had not Knox paved the way by his successful failures.

CHAPTER VII

THE FIGHT AGAINST THE LEAGUE; SEPARATE PEACE

IT may seem strange that one who had displayed such a regard for international peace and the judicial settlement of international disputes should have become, in 1919, a bitter and unyielding opponent of the Treaty of Versailles with its Covenant providing for a League of Nations to ensure peace without the resort to arms. Yet here is in fact no inconsistency, but consistency itself. It was precisely because of his pacific and legalistic frame of mind that he threw himself with such vigour into the fight against ratification.

The success of the Democrats at the polls in the fall of 1912 brought about by the split in the Republican party, of course automatically terminated Knox's services as Secretary of State after March 5, 1913. His loyalty to his former chief and his interest in peace did not lag on this account. In October 1914 we find him inviting Taft to deliver the principal address at a great peace meeting in Pittsburgh under the auspices of the city, at which he was to preside. He adds: "I am located here endeavoring to make a living by practising law in a way, i.e., honestly."⁹⁴ A month later he quiets Taft's misgivings with regard to his denunciation of the Russian treaty in 1911 at the time of the Jewish passport episode.⁹⁵ Again in 1916 when the charge was made that Wilson's difficulties with Mexico had been inherited

from Taft, he vigorously denies it in a public address, contending that Taft's policies rested upon established precedent, while Wilson's had been and were without the first suggestion of precedent.⁹⁶

In 1916 his hankering for public service and his desire to participate in the legislative activities incident to the World War induced him to stand for election to the Senate again. Accordingly, on November 6, 1916, he was elected to succeed George T. Oliver as Senator from Pennsylvania for the term 1917 to 1923. Although death was to interrupt his term, it was not before he had played a conspicuous role in the peace settlement.

The story of the fight in the Senate against the League of Nations Covenant embodied in the Treaty of Versailles is a lengthy and intricate one and is treated in the sketch of Lansing in the next volume of this series. It will be sufficient here to recount the influence exercised by Knox upon the proceedings. As a member of the Senate Committee on Foreign Relations he had participated in conferences at the White House with Lodge, Gallinger, Brandegee, and others upon various matters that had arisen prior to the armistice, notably the Pope's peace proposal of August 1917,⁹⁷ and also during the peace negotiations when President Wilson, on his return from Paris, was attempting to secure the views of the senators on the proposed constitution for a League of Nations.⁹⁸

It was shortly after the latter conference, which took place on February 26, 1919, that Knox and Lodge delivered their speeches in support of the separation of the Treaty of Peace from the Constitution of the League of Nations.⁹⁹ As the Congress was to expire on March 4

and President Wilson was scheduled to leave for Paris again on the day following, a number of the Republican leaders believed it advisable to let the President, and, in fact, the whole world, know that more than one-third of the senators considered the Constitution of the League of Nations to be unacceptable in the form then proposed.

It was Knox who was called upon to draft the famous round robin, which was signed by thirty-seven Republicans, a few of whom were senators-elect, and read into the *Record* by Lodge shortly after midnight on March 4.¹⁰⁰ This proposed resolution was cited with effect by Lodge in the subsequent fight to refute the claim that the United States Senate was morally bound to accept the treaty signed by the representatives of the United States.

Public sentiment against the treaty began to grow after the adjournment of Congress, and the new Congress, assembled on May 19, had been in session but a short time when Senator Knox introduced his resolution to separate the covenant from the treaty. Although the treaty itself was not signed until June 28, an unofficial text had reached the Senate as early as June 9.¹⁰¹ The following day Knox introduced his resolution—a definite step on the part of the opponents of the treaty to forestall its ratification before it was even presented by the President. In spite of Lodge's active support, the resolution failed, but it was a "Knox failure," destined for ultimate success.

President Wilson personally submitted the treaty to the Senate on July 10, 1919; and the Committee on Foreign Relations, to which it was referred in accord-

ance with the rules of the Senate, decided to hold public hearings. These began on July 31 and ended on September 12, and the complete verbatim report reached a total of 1297 pages.¹⁰² Conspicuous in these hearings was a conference at the White House on August 19, 1919, in which Knox, together with other senators, participated. In the course of the conference, which was a veritable inquisition of the President, Senator Knox epitomized the position of the "reservationists" when he said:¹⁰³

"If we embody in our resolution of ratification a statement that we understand section 10 or section 16 or section something else in a particular sense, and this Government, through its foreign department, transmits the proposed form of ratification to the chancellors of the other nations that are concerned in this treaty, and if those interpretations are the same as you have agreed upon with them in your conversations, I do not see how we would need anything more than a mere reply to that effect."

And when the President remarked: "It would need confirmation," he answered: "Yes; it would need confirmation in that sense."

Scarcely two weeks after this conference President Wilson decided to follow the example of Taft in the Canadian reciprocity matter and appeal directly to the people. But it was useless. The Senate had made up its mind. A decisive vote came on November 19, and, lacking the necessary two-thirds, the treaty failed of ratification.

Congress reassembled on December 1, 1919, and the treaty again came before the Senate, but after dragging along until March 19 suffered the same fate. The charge of "bad faith" was not absent against those who had voted for reservations and then against the ratification. Knox was in this number, and on the day of the final vote he explained his position and explained away any seeming inconsistency.¹⁰⁴

"I voted for the reservations because I wanted to make the treaty as little harmful and as little obnoxious to our Constitution and the spirit and institutions of my country as it was possible, keeping in view the temper of the committee and the temper of the Senate. But, Mr. President, while these reservations have been helpful in that direction, in my deliberate judgment, formed after the most careful and painstaking study of this instrument, a study undertaken with no original attitude of unfriendliness toward it, as it stands with these reservations it is my judgment that it imposes obligations upon the United States which under our Constitution cannot be imposed by the treaty-making power. It delegates powers and functions to an extraneous body of such a nature that only the people of the United States by an amendment to the Constitution could confer."

The corollary of the rejection of the Versailles Treaty was a separate peace with Germany. In fact, this was part of the Knox resolution of June 10, prior to the submission of the treaty, and the Knox resolution of November 18, a proposed substitute for the resolution

of ratification. Although both of these efforts had been failures, when the treaty itself failed, Senator Knox, on May 21, 1920, proposed another resolution, this time to repeal the declarations of war against Germany and Austria. The resolution was passed, but President Wilson followed an equally consistent policy and vetoed it on May 27,¹⁰⁵ because "it does not seek to accomplish any of those objects" for which the United States entered the war.

The Wilson Administration came to an end on March 4, 1921. Less than eight weeks later a joint resolution declaring the war at an end was introduced and, after passage by both houses, was signed by President Harding on July 2, 1921. Accordingly, a separate peace was negotiated and signed with Germany on August 25 and submitted to the Senate on September 21. Three weeks later Knox suddenly died, but not before realizing this long-postponed victory and vindication.

An English writer of note gives the following keen appraisal of Knox and his foreign policy:

"Mr. Knox, a clever corporation lawyer, became Secretary of State under the new administration. The new Secretary of State was an agreeable, upright man, entirely free of unworthy motives, who brought to the conduct of international affairs the shrewd, keen intellect of a business lawyer 'eager to force circumstances rather than to guide and use them as they came.' . . . In contradistinction to his predecessor, who had been studious to adopt an attitude of friendly equality towards the Southern neighbours of the United States, Mr. Knox sometimes failed in due

consideration for the feelings of the weaker nations. He was all for a spirited foreign commercial policy, desecring in China a new and illimitable field for American enterprise, and in the Latin States of Southern America a group of commercial vassals who should obey the nod of a Protecting Power. Thus, by certain minor faults of manner and method, the new Secretary of State impaired the influence which the wise policy of Mr. Root had painfully secured for the United States among the Governments of the Southern hemisphere."¹⁰⁶

While there is considerable truth in this appraisal, a careful study of Knox's career has convinced the present writer that the *obiter dictum* of one of his contemporary countrymen in the course of his memoirs as a diplomat is perhaps more accurate and more just:

"Philander Knox was in some respects a master mind in the management of foreign affairs. With the restraints imposed by judicial training and traditions, he clearly understood the proper direction of our foreign relations, their scope and their limitations; his presentation of a policy or interpretation of the aspects of a foreign question was accurate, but his life-long training in the law and his profound reverence for orderly and calm procedure sometimes affected or delayed the vigour of his action in acute crises. Honest by the highest standards and saturated with our own traditions, it was not always easy for him to understand that foreign chancelleries might not be actuated by similarly high motives. He recoiled from

questioning the good faith of the representatives of foreign governments and, imbued with the spirit of our own tribunals, reluctantly impugned the uprightness of the courts of other countries. He was eminently just, quick to recognize and acknowledge his own mistakes, and possessed withal a generous, kind and loving disposition. The details of the work of the Department of State wearied him almost to the point of cynicism, and he fled from them as frequently as the executive work would permit; but, as I have reason to know, his moments of apparent leisure were given to the study and preparation of the really great state policies and papers associated with his name."¹⁰⁷

APPENDICES

APPENDIX

TO SKETCH OF SHERMAN

BIBLIOGRAPHICAL NOTE

The chief source for the present study was the *Instructions* issued by the State Department to United States ministers in many countries. Access to these is gratefully acknowledged. The Sherman Papers in the Library of Congress as a major collection close with 1893, but some important letters for the period in review may be found in a single volume of miscellaneous papers. It is regretted that the McKinley Papers could not be consulted, but their custodian, the Honourable George B. Cortelyou of New York, formerly private secretary to President McKinley, informed the author that the *Life of William McKinley*, by Charles S. Olcott, was based upon these papers, the President's position on the Cabinet appointment being fairly stated in Volume I, pages 327-336. The account of Sherman's career previous to his year as Secretary of State is based chiefly on Theodore E. Burton's *John Sherman* (Boston, Houghton Mifflin Co., 1906). A two-volume life of Sherman by Winfield S. Kerr is of special interest for the human side of the subject. Sherman's autobiography, *Recollections of Forty Years* (Chicago, 1895), concludes with 1895, and bears but indirectly on the present study. Other printed sources include *Foreign Relations, 1897-1898*; and *Spanish Diplomatic Correspondence and Documents, 1896-1900* (translation, Washington, 1905). The decade of the nineties has already yielded a considerable harvest of reminiscence and some serious historical studies. Not all of those consulted by the author are referred to in the footnotes. To the student of the subject the following are commended:

Adams, Charles Francis, 1835-1915, *An Autobiography* (Boston and New York, 1916); Benton, Elbert J., *International Law and Diplomacy of the Spanish-American War* (Baltimore, 1908); Burton, Theodore E., *John Sherman* (Boston and New York, 1908); Chadwick, French Ensor, *The Relations of the United States and Spain, Diplomacy* (New York, 1909); Clark, Champ, *My Quarter Century of American Politics* (2 volumes, New York, 1921); Croly, Herbert, *Marcus Alonzo Hanna* (New York, 1912); Cullom, Shelby M., *Fifty Years of Public Service* (Chicago, 1911); Denby, Charles, *China and Her People* (2 volumes, Boston, 1906); Dunn, Arthur Wallace, *From Harrison to Harding* (2 volumes, New York and London, 1922); Flack, Horace Edgar, *Spanish-American Diplomatic Relations Preceding the War of 1898* (Baltimore, 1906); Foraker, Joseph Benson, *Notes of a Busy Life* (2 volumes, Cincinnati, 1916); Foster, John W., *Diplomatic Memoirs* (2 volumes, Boston and New York, 1909); Harding, Lewis A., *The Preliminary Diplomacy of the Spanish-American War* (Indianapolis, 1912); Harn, George U., *John Sherman* (Columbus, 1908), pamphlet, reprint from *Ohio State Archaeological and Historical Society Publications*, Volume XVII, no. 3 (1908); Kerr, Winfield S., *John Sherman, His Life and Public Services* (2 volumes, Boston, 1908); Kohlsaatt, H. H., *From McKinley to Harding, Personal Recollections of our Presidents* (New York and London, 1923); Latané, John H., *America as a World Power, 1897-1907* (New York and London, 1907); Olcott, Charles S., *The Life of William McKinley* (2 volumes, Boston and New York, 1916); Paxson, Frederic L., *Recent History of the United States* (Boston, New York, etc., 1926); Rhodes, James Ford, *The McKinley and Roosevelt Administrations, 1897-1909* (New York, 1922); Sherman, John, *Recollections of Forty Years in the House, Senate, and Cabinet, an Autobiography* (2 volumes, Chicago, London, New York, Berlin, 1895); Thayer, William Roscoe, *The Life and Letters of John Hay* (2 volumes, Boston and

New York, 1915); White, Andrew Dickson, *Autobiography* (2 volumes, New York, 1905).

FOOTNOTES

¹ Charles Francis Adams, *An Autobiography*, 47.

² John Sherman Papers, Library of Congress, Sherman to W. S. Ward, April 28, 1898.

³ Joseph B. Foraker, *Notes of a Busy Life*, I, 499-500.

⁴ William Roscoe Thayer, *The Life and Letters of John Hay*, II, 156.

⁵ Charles S. Olcott, *The Life of William McKinley*, I, 334 (February 8, 1897).

⁶ Sherman Papers, Sherman to Richard Smith, Washington, February 9, 1897.

⁷ For pungent criticisms of political conditions in Ohio at this period see Champ Clark's *My Quarter Century of American Politics*.

⁸ Herbert Croly, *Marcus Alonzo Hanna*, 236.

⁹ Though not sufficiently important for the body of the text, the South American diplomacy of Sherman is here presented for the benefit of those readers who may wish a fuller statement of his policy. Some reference to the Argentine Republic is included in the text. Towards Brazil the United States was the complainant. Brazil imposed an import duty on our flour and an export duty on her coffee. Our minister was instructed, therefore, while avoiding threats, nevertheless to remind the Brazilian Government that the American executive might be compelled eventually to retaliate. With respect to Colombia, a certain interest attaches to the amalgamation of the American Panama Railroad Company with the Panama Canal Company (French), an action closely watched at Washington. Colombia was believed to seek undue

advantage from the treaty of 1846. Reciprocity was fair enough, but she need expect no more than that. Almost a year before the war with Spain the question of contraband arose with Uruguay. Controversy centred about the subject of horses. The question fell within the purview of John Bassett Moore, but the signature was Sherman's. Horses could not normally be counted contraband, the United States maintained, but even granting that they might be, "confiscation of horses *bona fide* owned and used by an alien" would not be justified. A British claim regarding rice was cited as analogous. No such important principles involved relations with Bolivia and Peru. There were irritations none the less. Towards Bolivia there was indignation at the law's delays in the trial of an American citizen, then more than three years pending. A minor issue related to the signature of the American minister on the death warrant of a Bolivian sentenced for the murder of an American. Secretary Sherman held that such action was unnecessary unless the convicted man was an American citizen. He thought it strange that the Bolivian Government should thus invite participation in its domestic concerns. With Peru the rights and dignity of an American consular agent were at issue. The agent had fallen into debt. His property was attached. In executing the attachment Peruvian officials violated the consul's office. Official papers were carried away and scattered. In view of this "intolerable disrespect to the archives of the Agency," the minister's instruction was worded strongly. "You are instructed to ask for a disavowal of the acts of the local authorities, for their reprimand, and for a guarantee that such an incident shall not recur." The consul was subsequently dismissed. In 1897 slight developments in Nicaragua and Santo Domingo were suggestive for the future. In the former the concession of the Maritime Canal Company was an object of concern. Towards the latter, precautions were considered against the supersession of American-owned bonds by later issues hav-

ing prior lien—a well-known vagary of Dominican finance. Strained relations between Venezuela and Germany led to inquiry by our minister as to the propriety of granting asylum to harassed Germans. The State Department in reply distinguished between a right of asylum, which in the German case of course did not exist, and the free granting of refuge to men in sore distress. “Under no circumstance,” declared the Secretary, “could any assurance be given in advance of the actual emergency.”

The Department’s correspondence on these issues may be found in Department of State, *Instructions, Argentina*, XVII, November 8, 1897; *Ibid.*, January 6, 1898; *Ibid.*, January 11, 1898; *Brazil*, XVIII, August 11, 1897; *Colombia*, XVIII, May 17, 1897; *Ibid.*, November 26, 1897; *Uruguay*, May 27, 1897; *Bolivia*, II, December 27, 1897; *Ibid.*, March 24, 1898; *Peru*, XVIII, June 26, 1897; *Ibid.*, December 30, 1897; *Nicaragua*, XXI, April 3, 1897, telegram; *Dominican Republic*, October 26, 1897; *Venezuela*, IV, November 24, 1897.

¹⁰ Department of State, *Instructions, Argentina*, XVII, January 11, 1898.

¹¹ *Ibid.*, *Instructions, China*, V, May 18, 1897; June 11, 1897; July 8, 1897; December 14, 1897.

¹² *Ibid.*, April 14, 1898.

¹³ *Ibid.*, February 7, 1898.

¹⁴ *Ibid.*, March 8, 1898.

¹⁵ *Ibid.*, *Instructions, Korea*, I, March 30, 1897.

¹⁶ *Ibid.*, *Instructions, Denmark*, XVI, July 23, 1897, signed by Alvey A. Ade.

¹⁷ *Ibid.*, *Instructions, Japan*, IV, June 25, 1897.

¹⁸ John W. Foster, *Diplomatic Memoirs*, II, 173.

¹⁹ Department of State, *Instructions, Japan*, IV, December 14, 1897.

²⁰ *Ibid.*, *Instructions, Italy*, III, December 24, 1897.

²¹ *Ibid.*, *Instructions, Austria-Hungary*, December 14, 1897.

²² *Ibid.*, *Instructions, The Netherlands*, February 28, 1898. Telegram.

²³ *Ibid.*, March 2, 1898.

²⁴ *Ibid.*, *Instructions, France*, XXIII, July 2, 1897, protests prohibitive tariff.

²⁵ *Ibid.*, *Instructions, Germany*, XX, April 20, 1897; June 14, 1897; August 20, 1897; see also *Switzerland*, III, May 12, 1897.

²⁶ *Ibid.*, August 11, 1897.

²⁷ *Ibid.*, February 11, 1898.

²⁸ *Ibid.*, *Instructions, Russia*, XVII, June 18, 1897; see also *Persia*, I, July 15, 1897, for safeguarding of Jewish interests.

²⁹ *Ibid.*, *Russia*, XVII, telegram, cipher, March 16, 1898.

³⁰ *Ibid.*, February 25, 1898.

³¹ *Ibid.*, *Instructions, Great Britain*, XXXII, May 10, 1897.

³² John W. Foster, *Diplomatic Memoirs*, II, 184.

³³ *Ibid.*

³⁴ *Ibid.*, April 9, 1897. Also Department of State, *Great Britain, Notes*, XXIII, of same date.

³⁵ *Ibid.*, *Instructions, Great Britain*, XXXII, November 29, 1897.

³⁶ *Ibid.*, telegrams, September 20, 1897; and September 25, 1897.

³⁷ *Ibid.*, November 22, 1897.

³⁸ For this interpretation, see French Ensor Chadwick, *The Relations of the United States and Spain*, 437-438, 490-491.

³⁹ John Sherman, *Recollections of Forty Years in the House, Senate and Cabinet, An Autobiography*, II, 1216.

⁴⁰ Department of State, *Instructions, Spain*, XXII, February 23, 1898.

⁴¹ Department of State, *Instructions, Spain*, XXII, Washington, June 30, 1897.

⁴² *Ibid.*, *Great Britain*, XXXII, same date.

⁴³ *Ibid.*, *France*, XXIII, same date.

⁴⁴ *Ibid.*, *Germany*, XX, same date.

⁴⁵ *Ibid.*, *Spain*, XXII, telegram, April 20, 1898.

⁴⁶ William Roscoe Thayer, *The Life and Letters of John Hay*, II, 173.

APPENDIX

TO SKETCH OF DAY

BIBLIOGRAPHICAL NOTE

Here and there in the manuscripts of the Department of State may be gleaned some material not yet printed and affording some new light on certain aspects of the diplomacy of Day's secretaryship; the most fruitful places have been the dispatches from the representatives of the United States in London, Berlin, and Madrid. A little additional material is found in the unprinted instructions.

The most important documents published by the Government of the United States and bearing on this period are *Papers relating to the Foreign Relations of the United States* for 1897 and 1898 (Wash., 1897 and 1898); *Message of the President of the United States communicated to the two Houses of Congress, on the relations of the United States and Spain by reason of warfare in the Island of Cuba* (H. Doc. 405, 55 Cong., 2 Sess.); *Consular Correspondence respecting the condition of the Reconcentrados in Cuba, the State of War in that Island, and the Prospects of the projected Autonomy* (H. Doc. 406, 55 Cong., 2 Sess.); *A Treaty of Peace between the United States and Spain*, Message from the President of the United States transmitting a treaty of peace between the United States and Spain, signed at the City of Paris on December 10, 1898 (2 volumes, Wash., 1899). The Department of State published in Washington in 1905 a translation of *Spanish Diplomatic Correspondence and Documents, 1896-1900: Presented to the Cortes by the Minister of State*, in which some material not previously published is to be found. Calderon Carlisle's *Report to E. Dupuy de Lôme, Spanish Minister*, (2 volumes, Wash., 1896-1897) tells about filibustering.

Some interesting sidelights are gathered from Volume XV of *Die Grosse Politik der Europäischen Kabinette, 1871-1914: Sammlung der Diplomatischen Akten des Auswärtigen Amtes, im Auftrage des Auswärtigen Amtes, herausgegeben von Johannes Lepsius, Albrecht Mendelssohn Bartholdy, und Friedrich Thimme* (Berlin, Deutsche Verlagsgesellschaft für Politik und Geschichte, 1922 ff.). Some additional documentary material is cited in the notes.

Various bits of information are gathered from biographical works of one kind and another, but one looks in vain for any sketch of Day himself more comprehensive than an obituary notice in the *New York Times*. Some of the biographical works that have contained information or had illuminating comments include Shelby M. Cullom, *Fifty Years of Public Service* (Chicago, 1911); Arthur W. Dunn, *From Harrison to Harding* (2 volumes, N. Y. and London, 1922); Joseph B. Foraker, *Notes of a Busy Life* (2 volumes, Cincinnati, 1916); John W. Foster, *Diplomatic Memoirs* (2 volumes, Boston and N. Y., 1909); H. H. Kohlsaat, *From McKinley to Harding, personal recollections of our Presidents* (N. Y. and London, 1923); Charles S. Olcott, *The Life of William McKinley* (2 volumes, Boston and N. Y., 1916); Henry Cabot Lodge (ed.), *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge* (2 volumes, N. Y., 1925); Royal Cortissoz, *The Life of Whitelaw Reid* (2 volumes, N. Y., 1921); William R. Thayer, *The Life and Letters of John Hay* (2 volumes, Boston and N. Y., 1915); Andrew D. White, *Autobiography* (2 volumes, N. Y., 1905); George M. Smalley, *Anglo-American Memories* (London, first series, 1910; second series, 1912).

Contemporary newspapers are useful in giving certain facts and in reflecting public opinion; among the most useful are the *New York Times*, the *Tribune* and the *London Times*, daily and weekly editions.

Special studies dealing with one or more phases of the diplomatic situation are Elbert J. Benton, *International Law*

and *Diplomacy of the Spanish-American War* (Baltimore, 1906); French E. Chadwick, *The Relations of the United States and Spain: Diplomacy* (N. Y., 1909); Horace E. Flack, *Spanish-American Diplomatic Relations preceding the War of 1898* (Johns Hopkins University Studies in Political and Social Science, No. 24; Baltimore, 1906); Lewis A. Harding, *The Preliminary Diplomacy of the Spanish-American War* (Indianapolis, 1912); Bertha Ann Reuter, *Anglo-American Relations during the Spanish-American War* (N. Y., 1924); *Hawaii's Story by Hawaii's Queen, Liliuokalani* (Boston, 1898); Jeannette Keim, *Forty Years of German-American Political Relations* (Philadelphia, 1919); Élie Lebraud, *La Guerre hispano-américaine et le droit des gens* (Paris, 1904); L. B. Shippee, "Germany and the Spanish-American War," *Am. Hist. Rev.*, XXX, 754-777.

Among the general accounts that devote some attention to the diplomacy of the Spanish-American War and the other questions that arose during the administration of the Department of State by William R. Day are John H. Latané, *America as a World Power, 1897-1907* (N. Y. and London, 1907) and *History of American Diplomacy* (N. Y., 1927); James Ford Rhodes, *The McKinley and Roosevelt Administrations, 1897-1909* (N. Y., 1922); and Carl Russell Fish, *American Diplomacy* (N. Y., 1923).

FOOTNOTES

¹ C. S. Olcott, *The Life of William McKinley*, I, 335-336.

² See Olcott, *McKinley*, *op. cit.*, and John W. Foster, *Diplomatic Memoirs*, II, 275-276.

³ While the venerable editor confused two episodes, the spirit of a statement made by H. H. Kohlsaatt in his recollections, *From McKinley to Harding* (64-65), rings true: "I was

with the President when a telegram was handed him. He said: 'It is from Judge Day, accepting the assistant Secretary of State. He gives up \$15,000 a year to take a \$4500 position. He would not do it if he did not love me.'" See editorial in *New York Tribune* of April 26, 1898 for an illustration of the kind of moral pressure that was being exerted.

⁴ J. S. Foster, *Diplomatic Memoirs*, II, 172-173.

⁵ The report of the Senate Committee on Foreign Relations (*Report* no. 681, 55 Cong., 2 Sess.) contains material on this question. Sherman's letter is found on pages 74-76, the President's message, 65-67, and the treaty, 96-97.

⁶ See full text of protest in *Hawaii's Story by Hawaii's Queen, Liliuokalani*, 354-356.

⁷ Iichiro Tokutomi, *Japanese-American Relations* (trans. by Sukeshide Yanagiwara), 60.

⁸ Henry Cabot Lodge (ed.), *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge*, I, 277.

⁹ *New York Tribune*, December 12, 1897.

¹⁰ February 13, 1897. *Spanish Diplomatic Correspondence and Documents, 1896-1900*, 24.

¹¹ See Calderon Carlisle, *Report to E. Dupuy de Lôme*, Spanish Minister; Elbert J. Benton, *International Law and Diplomacy of the Spanish-American War*, 41 ff., especially list on pp. 43-45.

¹² See letter from the Secretary of the Treasury, February 28, 1898, H. Doc. 326, 55 Cong., 2 Sess.; and Horace E. Flack, *Spanish-American Diplomatic Relations preceding the War of 1898*, 22 ff.

¹³ *Foreign Relations, 1897*, 486.

¹⁴ Royal Cortissoz, *The Life of Whitelaw Reid*, II, 220.

¹⁵ The available material is in the MS. *Instructions, Spain*, and *Dispatches, Spain*, in the Department of State. The letters written by Woodford directly to the President are preserved with the more formal correspondence; some of the letters have been printed in *Foreign Relations, 1898*.

¹⁶ Sherman to de Lôme, June 26, 1897, *Spanish Diplomatic Correspondence*, 26.

¹⁷ *Ibid.*, 27-28.

¹⁸ This instruction is printed in *Foreign Relations*, 1898, 558-561.

¹⁹ *Ibid.*, 562, 573, 576.

²⁰ *Spanish Diplomatic Correspondence*, 36.

²¹ Gullón's note is in *Foreign Relations*, 1898, 582-589.

²² Woodford to Sherman, October 16, 1897, *Ibid.*, 581.

²³ *Ibid.*, 603-611.

²⁴ The translations of the decrees are in *Foreign Relations*, 1898, 617-644.

²⁵ De Lôme to Gullón, telegram, December 8, 1898, *Spanish Diplomatic Correspondence*, 51.

²⁶ See reports accompanying McKinley's message of April 11, 1898, H. Doc. 406, 55 Cong., 2 Sess.

²⁷ *Ibid.*, January 18, 1898.

²⁸ *Spanish Diplomatic Correspondence*, 64-65.

²⁹ *Ibid.*, 66, January 19, 1898.

³⁰ For the complete letter and the correspondence see *Foreign Relations*, 1898, 1007-1022, and *Spanish Diplomatic Correspondence*, 80-85.

³¹ The printed correspondence, which tells much of the story, is in *Foreign Relations*, 1898, 1024-1046.

³² Dupuy to Minister of State, January 24, *Spanish Diplomatic Correspondence*, 68.

³³ The investigation by the American board resulted in a finding that the initial explosion was caused by something outside the hull; the Spanish investigation resulted in the finding that the explosion came first in the *Maine's* magazines. When, thirteen years later, the hulk was raised from the slime of Havana harbour, the disposition of the various units seemed to bear out the first American report, but some, including experts like Admiral Melville, were never convinced that an outside mine was responsible. See Sen. Rept. 885,

55 Cong., 2 Sess.; Sen. Doc. 207, 55 Cong., 2 Sess.; H. Doc. 310, 62 Cong., 2 Sess.; H. Doc. 480, 63 Cong., 2 Sess.

³⁴ March 3, 1898, printed in *Foreign Relations, 1898*, 680–681.

³⁵ Woodford to President, March 17, 1898, *Foreign Relations, 1898*, 685–688.

³⁶ *Ibid.*, 692.

³⁷ The memorandum and telegraphed summary are in *Foreign Relations, 1898*, 702–703.

³⁸ March 24, 1898, *Spanish Diplomatic Correspondence*, 95.

³⁹ *Foreign Relations, 1898*, 704.

⁴⁰ The message and accompanying documents were in H. Docs. 405 and 406, 55 Cong., 2 Sess.

⁴¹ See, for example, the report of his conversation with the Russian ambassador, *Foreign Relations, 1898*, 573–576.

⁴² A considerable portion of the information on the question of possible European intervention is to be found in *Die Grosse Politik der Europäischen Kabinette, 1871–1914*, XV, ch. xcvi, xcvi. Some material is in *Spanish Diplomatic Correspondence and Documents*, and a little in *Foreign Relations, 1898*. The manuscript archives of the Department of State add other material.

⁴³ For a discussion of this point see *Spanish Diplomatic Correspondence*, 109 ff.; *Die Grosse Politik*, XV, 10 ff. This point, as well as the question of German interest in the whole matter, is considered in L. B. Shippee, "Germany and the Spanish-American War," *Am. Hist. Rev.*, XXX, 754–777.

⁴⁴ Telegram, Hay to Day, April 6, 1898, Department of State, *Dispatches, Great Britain*, CXCI.

⁴⁵ George W. Smalley in *The Times*, weekly edition, February 14, 1902.

⁴⁶ The details of this controversy, which had to do with the international situation in 1902, may be found in contemporary newspapers. Summaries are in *Die Grosse Politik*,

XV, 24; F. Charmes, "*Chronique de la Quinzaine*," *Revue des deux mondes*, CLXX, 476-478; and G. W. Smalley, *Anglo-American Memories*, II, 178-185.

⁴⁷ See letter written to the President by Whitelaw Reid, April 19, 1898, in Cortissoz, *Life of Whitelaw Reid*, II, 221-223.

⁴⁸ See sketches of Marcy and Cass in this series in regard to the non-adherence of the United States to the Declaration of Paris of 1856.

⁴⁹ Élie Lebraud, *La Guerre hispano-américaine et le droit des gens*, 128 ff.

⁵⁰ The correspondence is given in *A Treaty of Peace between the United States and Spain* (Sen. Doc. 62, part 1, 55 Cong., 3 Sess.), I, 285-318.

⁵¹ B. von Bülow to Emperor Wilhelm II, May 14, 1898, *Die Grosse Politik*, XV, 33-38.

⁵² *Ibid.*, 54-59.

⁵³ Hay to Day, July 28, 1898, telegram, Department of State, *Dispatches, Great Britain*, CXCI.

⁵⁴ *Die Grosse Politik*, loc. cit.; Shippee, "Germany and the Spanish-American War," *Am. Hist. Rev.*, XXX, 765 ff.

⁵⁵ Dewey has given his account of the situation in his *Autobiography*, ch. xvii, and von Diederichs, in reply, his version in "*Darstellung der Vorgänge vor Manila von Mai bis August, 1898*," in *Marine Rundschau*, March 1914, which appears in translation in the *Journal of the Royal Service Institution*, LIX, 421-446. Jeannette Keim compares the two accounts in *Forty Years of German-American Political Relations*, 220-231.

⁵⁶ Printed in *Treaty of Peace between the United States and Spain*, I, 374-375. Following this is a mass of material which the President submitted to the Senate with the treaty and which undoubtedly influenced him and his advisers.

⁵⁷ The next day Hay telegraphed that this person was the Secretary of State for Colonies. The information about these

overtures is in Department of State, *Dispatches, Great Britain*, CXCH (May 9, 1898).

⁵⁸ The correspondence leading to the protocol and the protocol itself are in *Treaty of Peace between the United States and Spain*, I, 272-284.

APPENDIX

TO SKETCH OF HAY

BIBLIOGRAPHICAL NOTE

Manuscript Sources

There is a large amount of unpublished material available for the life of John Hay in Washington. I have used particularly the unpublished Hay Papers that are in the possession of his daughter, Mrs. J. W. Wadsworth, Jr., who has graciously permitted the free use of these papers. From the Roosevelt Papers now deposited in the Library of Congress, Mrs. Roosevelt has kindly allowed copies to be made of letters exchanged between President Roosevelt and Secretary Hay. The records of the Department of State have also been searched and the author wishes to express his thanks, particularly for the uniform way in which the authorities of the department have co-operated in the interests of historical truth. The writer is also much indebted to the authorities of the Library of Congress and of the Carnegie Endowment for International Peace.

Books

Henry Adams's *The Education of Henry Adams* (Boston, 1918) is a fascinating, though at times inaccurate book by one of Hay's closest friends. J. B. Bishop's *Theodore Roosevelt and his Time* (2 volumes, N. Y., 1920) is the standard biography so far, well done to the extent that it goes, but decidedly uncritical. The time has almost come for an authoritative and unprejudiced biography of President Roosevelt. Philippe Bunau-Varilla's *Panama* (Paris, 1913) is a lively record of the author's part in the construction of the Panama

Canal. The closing chapters, which deal with the revolution at Panama, are somewhat verbose, but are fairly accurate. Tyler Dennett's *Roosevelt and the Russo-Japanese War* (N. Y., 1925) is an interesting and admirable account written in a laudatory and at times journalistic style. The documents published are especially valuable. My own *Adventures in American Diplomacy, 1896-1906* (N. Y., 1928), is based on unpublished material. *Foreign Relations of the United States, 1897-1905* (Wash. 1861-), is the standard and invaluable series, from which, however, some of the most important documents have been omitted. John Hay, *Addresses of John Hay* (N. Y., 1907) unfortunately does not contain many of Hay's earlier and best speeches. *Letters and Extracts from the Diary of John Hay* (3 volumes, Wash., 1908, printed but not published) is a useful collection of source material, which nevertheless omits much that is essential. H. C. Lodge, *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918* (2 volumes, N. Y., 1925), contains a chronological collection of letters of rare interest. There are a few unindicated suppressions in the body of certain letters. Martin, *Life of Joseph Hodges Choate* (2 volumes, N. Y., 1920) is a sober and somewhat limited biography, which does not deal with diplomacy to any extent. Elsie Porter Mende, *An American Soldier and Diplomat, Horace Porter* (N. Y., 1927) is a charming biography by General Porter's daughter, who was assisted by Henry Greenleaf Pearson. It is at times somewhat uncritical, but is based on General Porter's unpublished letters and diaries, on personal recollections, and, for the latter part of General Porter's active life, on documents from the Department of State. W. R. Thayer, *Life and Letters of John Hay* (2 volumes, Boston, 1915) presents a personal biography which does not pretend to be a political history. It is of value, but is marred at times by inaccuracies and by the author's personal prejudices.

FOOTNOTES

¹ For the earlier life of Hay the *Letters of John Hay and Extracts from his Diary*, Vols. I and II (printed, but not published), and Thayer, *The Life and Letters of John Hay*, have been useful.

² Thayer, II, 408.

³ *Ibid.*, II, 408-409.

⁴ Roosevelt to Hay, March 3, 1905, Hay Papers.

⁵ McKinley to Hay, July 27, 1897, *Ibid.*

⁶ Hay to Henry White, October 16, 1897, *Letters and Diary*, III, 99.

⁷ Hay to Lodge, May 25, 1898, Thayer, II, 168.

⁸ Sherman to White, March 16, 1898, telegram, Department of State, *Instructions, London*, XXXII, 683.

⁹ Hay to Lodge, July 27, 1898, Hay Papers.

¹⁰ *Letters and Diary*, III, 136, 141-143.

¹¹ Hay to Henry White, August 11, 1899, Hay Papers.

¹² Denby to Sherman, January 31, 1898, Department of State, *Dispatches, China*, CIII, No. 2858.

¹³ Hay to Sherman, March 25, 1898, Department of State, *Dispatches, Great Britain*, CXCI, No. 325.

¹⁴ Beresford to Hay, November 29, 1898, Hay Papers.

¹⁵ Memorandum enclosed in letter of Rockhill to Hay, New York, August 28, 1899, Hay Papers.

¹⁶ *Foreign Relations of the United States, 1899*, 131.

¹⁷ Choate to Hay, October 21, 1899, Department of State, *Dispatches, Great Britain*, CXCVIII, enclosure to No. 181.

¹⁸ Cassini to Hay, December 30, 1899, Hay Papers.

¹⁹ The letters quoted in this paragraph are all to be found in the Hay Papers.

²⁰ Choate to Hay (private and confidential), June 20, 1900, Hay Papers.

- ²¹ Hay to Buck, June 28, 1900, telegram, Department of State, *Instructions, Japan*, IV.
- ²² *Letters and Diary*, III, 181.
- ²³ Root to Hay, September 2, 1900, Hay Papers.
- ²⁴ Adee to Hay, September 18, 1900, Hay Papers.
- ²⁵ Rockhill to Hay, February 1, 1902, Hay Papers.
- ²⁶ Hay to Roosevelt, May 1, 1902, Roosevelt Papers.
- ²⁷ Stewart to Hay, February 6, 1900, Hay Papers.
- ²⁸ Hay to Gilder, April 24, 1900, *Letters and Diary*, III, 177.
- ²⁹ Hay to Choate (private and personal), December 21, 1900, Hay Papers.
- ³⁰ Hay to Choate, December 22, 1900 and telegram, p. 528; Hay to Choate, December 29, 1900; Department of State, *Instructions, Great Britain*, XXXIII, No. 518.
- ³¹ Hay to Roosevelt, October 24, 1901, Roosevelt Papers.
- ³² Roosevelt to Hay, July 1, 1902, Hay Papers.
- ³³ Hay to Roosevelt, August 16, 1903, Roosevelt Papers.
- ³⁴ Hay to Roosevelt, September 13, 1903, Roosevelt Papers.
- ³⁵ J. B. Bishop, *Theodore Roosevelt and his Time*, I, 278.
- ³⁶ Duque to Hay, September 21, 1903, Hay Papers.
- ³⁷ Bishop, *op. cit.*, I, 295-296.
- ³⁸ Hill to Choate, June 28, 1902, telegram, Department of State, *Instructions, Great Britain*, XXXIV, 198.
- ³⁹ Choate to Hay (private and confidential), October 20, 1903, Hay Papers.
- ⁴⁰ White to Hay, December 15, 1902, telegram, Department of State, *Dispatches, Great Britain*, CCVI.
- ⁴¹ Griscom to Hay, June 25, 1900, Department of State, *Turkey*, LIX.
- ⁴² Hay to Adee, September 10 [1900], Hay Papers.
- ⁴³ Roosevelt to Hay, September 11, 1903, Hay Papers.
- ⁴⁴ Hay to Roosevelt, July 22, 1904, Roosevelt Papers.
- ⁴⁵ Buck to Hay, August 27, 1902, Hay Papers.

⁴⁶ Hay to White, May 22, 1903, *Letters and Diary*, III, 271.

⁴⁷ Griscom to Hay, January 5, 1904, telegram, Department of State, *Dispatches, Japan*, LXXVIII.

⁴⁸ Allen to Hay, May 19, 1904, telegram, Department of State, *Dispatches, Korea*, XXI.

APPENDIX

TO SKETCH OF ROOT

BIBLIOGRAPHICAL NOTE

There is as yet no biography of Elihu Root. The facts given in this volume in regard to Mr. Root's early life have been learned from the author's contact with him.

The sources for the diplomatic career of Secretary Root are voluminous in the extreme, and no attempt can be made to enumerate them all here. Some hints for general guidance will be given.

There is a vast mass of public documents bearing upon the foreign affairs of the United States, which can be traced in the official index to public documents. That portion which consists of diplomatic correspondence is conveniently published together in the standard official *Foreign Relations of the United States*, issued from year to year by the Department of State through the Government Printing Office in Washington. The archives of the Department of State are not open for historical investigation for so late a date as the period of Elihu Root's incumbency, but it is proper to state that the author of this sketch and of the following one of Robert Bacon served as solicitor for the Department of State. He was therefore in constant contact with the Secretaries of State and familiar with the more important official papers of the time. The private papers of Mr. Root have not yet been made available for historical perusal, or even segregated. It is to be hoped earnestly that they will be deposited, at a proper time, in the Manuscripts Division of the Library of Congress, where so many of the private papers of national statesmen have been preserved for the instruction of posterity. The author was permitted to examine the Roosevelt

Papers, now deposited, under restrictions, in the Manuscripts Division of the Library of Congress.

The official German publication of the diplomatic correspondence of the Imperial Government lays bare for us that interesting source for the study of international relations and is illuminating for details of American diplomacy during the period: *Die Grosse Politik der Europäischen Kabinette, 1871-1914* (39 volumes, Berlin, 1922-1926). The corresponding English publication, now in the course of preparation, has not yet reached print for the years covered by these sketches of Secretaries Root and Bacon. The reports of British, French, and other Governments, as prepared by their official presses, have resulted in a great accumulation of published documentary matter, always under official censorship. The more significant of this has been printed in the *American Journal of International Law*, after 1907, when the publication began.

There is a large amount of secondary and monographic material, constantly increasing in volume. In addition to the titles cited in the footnotes, it is desirable to mention particularly some of these. Tyler Dennett, *Roosevelt and the Russo-Japanese War; a Critical Study of American Policy in Eastern Asia in 1902-1905* (N. Y., 1925), has the value of being based primarily upon the private papers of Theodore Roosevelt, as well as other source material then in print, which did not at that time include the *Grosse Politik*. Charles B. Elliott, *The Philippines to the End of Commission Government* (Indianapolis, 1917), is the best treatise on the political organization under the American regime, of the islands. Charles E. Chapman, *History of the Cuban Republic: A Study in Hispanic American Politics* (N. Y., 1927), is the latest treatise on the subject. Gaillard Hunt, *The Department of State of the United States, its History and Functions* (New Haven, 1914), is the standard work on the subject. The following books by the author deal particularly with the international phases

of Secretary Root's career: *The Declaration of London . . . With an Introduction by Elihu Root* (N. Y., 1919) contains Mr. Root's instructions to the American delegation and its report; *Elihu Root's Services to International Law* (N. Y., 1925, also published as No. 207 of *International Conciliation* pamphlets); *The Hague Peace Conferences of 1899 and 1907* (Balto., 1909); *The Project of a Permanent Court of International Justice, and Resolutions of the Advisory Committee of Jurists. Report and Commentary* (Wash., 1920); *The Recommendations of Habana concerning International Organization, adopted by the American Institute of International Law at Habana, January 23, 1917* (N. Y., 1917) contains a commentary on the Platt Amendment.

The publications of Elihu Root's writings and speeches are formidable in amount. The more important include: *Speeches incident to the Visit of Secretary Root to South America in 1906* (Wash., G.P.O., 1906); "The Real Questions under the Japanese Treaty and the San Francisco School Board Resolution," *Am. Journ. Intern. Law*, I, 273-286; *Speech of Elihu Root as Chairman of Republican State Convention at Saratoga, September 14, 1908* (Utica, 1908); *Argument of the Honorable Elihu Root on Behalf of the United States Before the North Atlantic Fisheries Arbitration Tribunal at The Hague, 1910* (Boston, 1912); *Experiments in Government and the Essentials of the Constitution* (Princeton, 1913); *Panama Canal Tolls—the Obligations of the United States* (Boston, 1913) in World Peace Foundation pamphlet series, III, No. 3; *Speech, April 21, 1914, on the Mexican Resolution* (Wash., 1914); *Speech, May 21, 1914, on Panama Canal Tolls* (Wash., 1914); *Speeches of Hon. Elihu Root on the Ship Purchase Bill, January 4, 25, February 9, 1915* (Wash., G.P.O., 1915); *Addresses on Government and Citizenship* (Cambridge, 1916), which includes the Nobel Peace Award address; *The Military and Colonial Policy of the United States* (Cambridge, 1916); *The Citizen's Part in Government* (New Haven, 1916); *Addresses*

on International Subjects (Cambridge, 1916); *Latin America and the United States* (Cambridge, 1917); *Miscellaneous Addresses* (Cambridge, 1917); *The United States and the War; the Mission to Russia, Political Addresses* (Cambridge, 1918); *Letters of the Honorable Elihu Root relative to the League of Nations* (Wash., G.P.O., 1919); "The Constitution of an International Court of Justice," *Am. Journ. Internat. Law*, XV, 1-12; *Men and Policies* (Cambridge, 1924); *American Ideals during the Past Half Century* (N. Y., 1925), also printed in *International Conciliation* pamphlet No. 210; "America and Europe, an Address in accepting the Award of the Woodrow Wilson Foundation," *Foreign Affairs* V, No. 2, special supplement.

The speeches of Secretary Root, and of Elihu Root political leader and statesman, awaiting his definitive biographer, are scattered through the many newspapers and periodicals of the day. They were called forth by nearly every international question of importance, as well as by the principal domestic issues of the day; for example, Mr. Root's part in the Republican national conventions. It has been impossible in a work of this limited scope to touch on the significance of Elihu Root in the domestic politics of the nation.

FOOTNOTES

¹ *The Military and Colonial Policy of the United States. Addresses and Reports by Elihu Root*, collected and edited by Robert Bacon and James Brown Scott (Harvard University Press, 1916), xiv.

² *Autobiography of Andrew Dickson White* (N. Y., 1914), I, 10.

³ Treaty of Peace between the United States and Spain, concluded at Paris, December 10, 1898:

ARTICLE I

“Spain relinquishes all claim of sovereignty over and title to Cuba.

“And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and discharge the obligations that may under international law result from the fact of its occupation, for the protection of life and property.”

ARTICLE XVI

“It is understood that any obligations assumed in this treaty by the United States with respect to Cuba are limited to the time of its occupancy thereof; but it will upon the termination of such occupancy, advise any Government established in the island to assume the same obligations.”

⁴ “An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes,” dated April 12, 1900. *Statutes at Large* (Wash., 1901), XXXI, ch. 191, section 7, pp. 77-86.

⁵ “Within the meaning of the act of June 6, 1900, Cuba is foreign territory. It cannot be regarded, in any constitutional, legal or international sense, a part of the territory of the United States.” Mr. Justice Harlan delivering the opinion of the court in *Necely v. Henkel* (No. 1), 180 *U. S. Reports* (1901), 109, 119.

“The Isle of Pines continues at least *de facto* under the jurisdiction of the government of the Republic of Cuba, and that settles the question before us, because as the United States have never taken possession of the Isle of Pines as having been ceded by the treaty of peace, and as it has been and is being governed by the Republic of Cuba, it has remained ‘foreign country.’ . . .” Mr. Chief Justice Fuller

delivering the opinion of the court in *Pearcy v. Stranahan*, 205 *U. S. Reports* (1907), 257, 272.

⁶ Throughout the four years of occupation the United States sought to prepare Cuba for self-government, and Secretary Root had given much time and thought to the conditions under which the withdrawal should take place. These conditions he set forth, February 9, 1901, in instructions to Major-General Leonard Wood, then Military Governor of Cuba. They were five in number. Approved by President McKinley, and at the request of the President and Secretary Root, they were, with unimportant changes of phraseology, introduced by Senator Platt as an amendment to the Army Appropriation Bill of March 2, 1901. They were adopted, and were popularly known as the "Platt Amendment." Articles I, II, III, IV, and V of Mr. Root's instructions became respectively Articles I, II, III, IV, and VII of the amendment. Three new articles were added: an article concerning sanitation, at the suggestion of General Wood, became Article V; Article VI, concerning the Isle of Pines, and Article VIII of the amendment, requiring further assurance by treaty, were inserted by the Senate Committee on Cuban Relations, of which Senator Platt was chairman.

According to Article III of this amendment, "the government of Cuba consents that the United States may exercise the right to intervene for the preservation of Cuban independence, the maintenance of a government adequate for the protection of life, property, and individual liberty, and for discharging the obligations with respect to Cuba imposed by the Treaty of Paris on the United States, now to be assumed and undertaken by the government of Cuba."

⁷ "You will instruct the commission to proceed to the city of Manila, where they will make their principal office. . . . They should in general be enjoined . . . to devote their attention in the first instance to the establishment of municipal governments, in which the natives of the islands, both in

the cities and in the rural communities, shall be afforded the opportunity to manage their own local affairs to the fullest extent to which they are capable, and subject to the least degree of supervision and control which a careful study of their capacities and observation of the workings of native control show to be consistent with the maintenance of law, order, and loyalty.

“The next subject in order of importance should be the organization of government in the larger administrative divisions. . . . Whenever the commission is of the opinion that the condition of affairs in the islands is such that the central administration may safely be transferred from military to civil control, they will report that conclusion to you, with their recommendations as to the form of central government to be established for the purpose of taking over the control.

“Beginning with the 1st day of September, 1900, the authority to exercise, subject to my approval, through the Secretary of War, that part of the power of government in the Philippine Islands which is of a legislative nature is to be transferred from the military governor of the islands to this commission. . . .

“In the distribution of powers among the governments organized by the commission the presumption is always to be in favor of the smaller sub-division, so that all the powers which can properly be exercised by the municipal government shall be vested in that government, and all the powers of a more general character which can be exercised by the departmental government shall be vested in that government, and so that in the governmental system which is the result of the process the central government of the islands, following the example of the distribution of the powers between the States and the National Government of the United States, shall have no direct administration except of matters of purely general concern, and shall have only such supervision and control over local governments as may be

necessary to secure and enforce faithful and efficient administration by local officers.

“. . . In all cases the municipal officers, who administer the local affairs of the people, are to be selected by the people, and . . . wherever officers of more extended jurisdiction are to be selected in any way, natives of the islands are to be preferred, and if they can be found competent and willing to perform the duties, they are to receive the offices in preference to any others.

“. . . The commission should bear in mind that the government which they are establishing is designed, not for our satisfaction or for the expression of our theoretical views, but for the happiness, peace, and prosperity of the people of the Philippine Islands, and the measures adopted should be made to conform to their customs, their habits, and even their prejudices, to the fullest extent consistent with the accomplishment of the indispensable requisites of just and effective government.

“At the same time the commission should bear in mind, and the people of the islands should be made plainly to understand, that there are certain great principles of government which have been made the basis of our governmental system which we deem essential to the rule of law and the maintenance of individual freedom, and of which they have, unfortunately, been denied the experience possessed by us; that there are also certain practical rules of government which we have found to be essential to the preservation of these great principles of liberty and law, and that these principles and these rules of government must be established and maintained in their islands for the sake of their liberty and happiness, however much they may conflict with the customs or laws of procedure with which they are familiar.” “Instructions of President McKinley to Honorable William H. Taft, President Board of Commissioners to the Philippine Islands, April 7, 1900,” *Report of the Secretary of War, 1900*, 72.

⁸ For Mr. Root's mature views on the question of the Philippines and the proper attitude of the United States towards them and their peoples, see his prefatory note, dated August 8, 1916, to the first volume of Charles Burke Elliott's two-volume work: *The Philippines—to the End of the Military Régime. America Overseas* and *The Philippines—to the End of the Commission Government. A Study in Tropical Democracy* (Indianapolis, 1917).

⁹ P. 53. For the convention, correspondence, and award of the Alaska boundary controversy between Great Britain and the United States, see *Foreign Relations, 1903*, 488–545; for the delimitation of the Alaskan boundary, *Ibid.*, 1904, 324–326; for the acceptance of the award by exchange of notes, *Ibid.*, 1905, 478–480; for the convention between the United States and Great Britain of April 21, 1906 for marking the boundary line, *Ibid.*, 1906, 801–803; for a brief technical statement of the boundary difficulty and its adjustment, see Henry Gannett, "Boundaries of the United States and of the Several States and Territories," H. Doc. 678, 58 Cong., 2 Sess. (3rd edition, Wash., 1904), 25–28; for an interesting narrative of a popular kind, John T. Faris, *The Romance of the Boundaries* (N. Y., 1926), 133–150.

¹⁰ *Miscellaneous Addresses by Elihu Root*, collected and edited by Robert Bacon and James Brown Scott (Cambridge, 1917), 154.

¹¹ "An Act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and three," *Statutes at Large*, Vol. XXXII, Part I, 507, 512.

¹² "Military Education," *The Military and Colonial Policy of the United States. Addresses and Reports by Elihu Root* (1916), 388.

¹³ *General Orders and Circulars, Adjutant General's Office, 1901* (Wash., 1902).

¹⁴ *Foreign Relations, 1900*, 155 *et seq.*

¹⁵ On November 3, 1905, shortly after Mr. Root assumed the Secretaryship of State, and in his presence, President Roosevelt said to Freiherr Speck von Sternburg, then German ambassador to the United States: "Root's political views and mine are in complete accord. . . . I beg you to give Root your fullest confidence and to speak with him as if you were talking with me." *Die Grosse Politik der Europäischen Kabinette, 1871-1914*, XXI, Part I, 9.

¹⁶ Malloy, I, 1220-1226; for the *proces-verbal*, etc., of this conference, see *Foreign Relations, 1880*, 893-920.

¹⁷ Malloy, II, 2157-2183.

¹⁸ For statements in *Die Grosse Politik der Europäischen Kabinette, 1871-1914*, concerning Ambassador White's attitude, see Vol. XXI, Part I, 93, 99, 102, 113, 114, and especially 121, 135, 148-149, 177, 204, 258, 328, 330, 345-347.

¹⁹ For the antecedents of the Algeciras conference see *Foreign Relations, 1905*, 668-684; for the conference at Algeciras and the attitude of the United States see *Ibid.*, 1906, Part II, 1470-1513.

The correspondence of Freiherr Speck von Sternburg, German ambassador to the United States, the views of the German Government, and the attitude of the United States at the conference, as repeatedly stated by President Roosevelt and Secretary of State Root, are to be found in *Die Grosse Politik der Europäischen Kabinette, 1871-1914*, Vol. XXI (Berlin, 1925).

The role of the United States was that of a neutral power with small interests in Morocco, but with large interests in world peace. It was friendly to the powers materially interested, with a desire to suggest compromises when not inconsistent with the traditional policy of the United States, and consistent with the attitudes of the powers chiefly and materially concerned. See, especially, *Ibid.*, 9-10, 147-148, 259-261, 305-306. Mr. Norman Dwight Harris has stated in a simple and single phrase that the United States "played the

part of a neutral umpire desiring to see fair treatment for the claims of both litigants," at the Algeciras conference—the litigants being France on the one hand, and Germany on the other. *Europe and Africa* (Cambridge, 1927), 290.

²⁰ The reservation reads as follows: "The Government of the United States of America, having no political interest in Morocco and no desire or purpose having animated it to take part in this conference other than to secure for all peoples the widest equality of trade and privilege with Morocco and to facilitate the institution of reforms in that country tending to insure complete cordiality of intercourse without and stability of administration within for the common good, declares that, in acquiescing in the regulations and declarations of the conference, in becoming a signatory to the General Act of Algeciras and to the Additional Protocol, subject to ratification according to constitutional procedure, and in accepting the application of those regulations and declarations to American citizens and interests in Morocco, it does so without assuming obligation or responsibility for the enforcement thereof." Malloy, II, 2182–2183.

²¹ *Ibid.*, 2183.

²² H. Doc. 565, 59 Cong., 1 Sess. (Wash., 1906).

²³ P. 150 (Garden City, N. Y., 1927).

²⁴ "The Origin of the Congo Free State, considered from the Standpoint of International Law," by Jesse S. Reeves, *American Journal of International Law*, III, 99, 103.

²⁵ The text of this act is printed in the *Supplement to the American Journal of International Law*, III, 7.

²⁶ For the text of this treaty see *Ibid.*, 29.

²⁷ *Foreign Relations*, 1907, 799.

²⁸ *Ibid.*, 806.

²⁹ The article to which Secretary Root referred is, in part, as follows: "To diminish intestine wars between tribes by means of arbitration; to initiate them in agricultural labor and in the industrial arts, so as to increase their welfare;

to raise them to civilization and bring about the extinction of barbarous customs. . . . To give aid and protection to commercial enterprise; to watch over their legality by especially controlling contracts for service with natives, and to prepare the way for the foundation of permanent centers of cultivation and of commercial settlements."

³⁰ The correspondence on the Congo situation is somewhat extensive. The material portions of it are given in *Foreign Relations*, 1905, 87-93; *Ibid.*, 1906, Part I, 88-105; *Ibid.*, 1907, Part II, 791-829; *Ibid.*, 1908, 537-593; *Ibid.*, 1909, 400-403. With this last document Secretary Root's communications on the Congo ceased. It is an elaborate statement of the attitude of the United States, set forth in a note to the Belgian minister at Washington, January 11, 1909, but a few days before Secretary Root's retirement.

On the general subject of the Congo see Norman Dwight Harris, *Europe and Africa* (Cambridge, 1927), especially chapter ii, "The Founding of the Congo Independent State," 22-48, and chapter iii, "Transition to the Belgian Congo," 49-68. See *British Possessions*, II; *The Congo. Peace Handbooks*, issued by the Historical Section of the Foreign Office, Vol. XVI, Nos. 96-99 (London, 1920). There is an excellent article, by that most competent of authorities, Mr. Arthur Berriedale Keith, in the *Encyclopædia Britannica* (13th edition); I, 348-349. Mr. Keith has expressed his views on a larger scale in his volume entitled *The Belgian Congo and the Berlin Act* (Oxford, 1909). See, also, a carefully written article by Jesse S. Reeves, "The Origin of the Congo Free State, considered from the Standpoint of International Law," *American Journal of International Law*, III, 99; and the documents relative thereto in the *Supplement to the American Journal of International Law*, III, 7-90.

³¹ *Foreign Relations*, 1905, 828-830; *Ibid.*, 1906, Part II, 1625-1634.

³² The text of this address is printed in *Latin America*

and the United States, addresses by Elihu Root, collected and edited by Robert Bacon and James Brown Scott (1917), 6-11.

³³ For an account of Mr. Root's visit to South America see *Foreign Relations*, 1906.

³⁴ *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918* (N. Y., 1925), II, 241.

³⁵ Session of January 15, 1902. See *Second Pan American Conference—Minutes and Documents* (Mexico, 1901), 437-450.

³⁶ *Foreign Relations*, 1905, 828-829; *Ibid.*, 1906, Part II, 1625 *et seq.* Although Panama at first declined the invitation, it later accepted and was represented at the conference.

³⁷ See "Instructions to the Delegates of the United States to the Second International Peace Conference," *The Second International Peace Conference held at The Hague from June 15 to October 18, 1907*, Sen. Doc. 444, 60 Cong., 1 Sess., pp. 5-23; "Report of the American Delegation," *Ibid.*, 24-61; letter of Secretary Root to President Roosevelt, dated February 26, 1908, transmitting conventions, *Ibid.*, 61-62; President Roosevelt's message to the Senate, *Ibid.*, 61; conventions, final act containing resolutions, draft convention relative to creation of a judicial arbitration court, and signatures to the conventions, *Ibid.*, 64-209.

³⁸ "The question about each international conference is not merely what it has accomplished, but also what it has begun, and what it has moved forward. Not only the conventions signed and ratified, but the steps taken toward conclusions which may not reach practical and effective form for many years to come, are of value. Some of the resolutions adopted by the last conference do not seem to amount to very much by themselves, but each one marks on some line of progress the farthest point to which the world is yet willing to go. They are like cable ends buoyed in mid-ocean, to be picked up hereafter by some other steamer, spliced, and continued to shore. The greater the reform proposed, the longer must be the process required to bring many

nations differing widely in their laws, customs, traditions, interests, prejudices, into agreement. Each necessary step in the process is as useful as the final act which crowns the work and is received with public celebration." Elihu Root in the Prefatory Note to the *Texts of the Peace Conferences at The Hague, 1899 and 1907*, edited by James Brown Scott (Boston, 1908), iv.

³⁹ "If any European power proposes consideration of the subject [of the limitation of armament], you will vote in favor of consideration and do everything you properly can to promote it. If, on the other hand, no European power proposes consideration of the subject, and no new and affirmative evidence is presented to satisfy you that a useful purpose would be subserved by your making such a proposal, you may assume that the limitations above stated by way of guidance to your action preclude you from asking the Conference to consider the subject." Instructions to the American Delegates, Sen. Doc. 444, 60 Cong., 1 Sess., pp. 9-10.

⁴⁰ "The PRESIDENT [Mr. Nelidow, of Russia]: 'The British proposition that you have just heard, gentlemen, is supported by the United States of America, whose first delegate has addressed me the following letter:

"'MR. PRESIDENT: In the course of the negotiations which preceded the present Conference the Government of the United States considered it to be its duty to reserve the right to bring forward here the important subject of the limitation of armaments, in the hope that they might advance in some small degree the lofty conception which inspired the Emperor of Russia in his first appeal.

"'While regretting that more progress in the direction indicated by His Imperial Majesty cannot be made at this moment, we are happy to think that there is no intention on the part of the nations to abandon his endeavors, and we request to be allowed to express our sympathy for

the views expressed by his Excellency the first delegate of Great Britain, and to support the proposal that he has just made.'”

Joseph H. Choate, “*The Proceedings of the Hague Peace Conferences*. Translation of the Official Texts, prepared in the Division of International Law of the Carnegie Endowment for International Peace, *The Conference of 1907*,” (N. Y., 1920), I, 90.

⁴¹ *Foreign Relations, 1907*, Part II, 1104–1107.

⁴² *Foreign Relations, 1909*, 294–336; see, also, *The Declaration of London, February 26, 1909*, a collection of official papers and documents relating to the international naval conference held in London, December 1908–February 1909, with an introduction by Elihu Root, edited by James Brown Scott (N. Y., 1919).

⁴³ April 24, 1912, *Congressional Record*, 62 Cong., 2 Sess., Vol. XLVIII, Part 6, p. 5259.

⁴⁴ *Proceedings of the Hague Peace Conferences*, II, 1045–1050.

⁴⁵ Mr. Root was one of the ten jurists invited, on February 13, 1920, by the Council of the League of Nations to meet at The Hague during the course of the summer, in order to formulate plans for the establishment of a permanent court of international justice, provided for in Article XIV of the Covenant of the League. They met, June 16–July 24, 1920, and devised a project that, with some amendments and modifications by the Council and Assembly, was adopted and now forms the Statute of the Permanent Court of International Justice. For the important part taken by Mr. Root in the sessions of this committee of jurists, especially in submitting an acceptable method of electing the judges of the court, see *The Project of a Permanent Court of International Justice and Resolutions of the Advisory Committee of Jurists*, report and commentary by James Brown Scott (1920).

⁴⁶ These treaties were concluded with the Argentine Republic, Austria, Bolivia, Brazil, Chile, China, Costa Rica, Denmark, Ecuador, France, Great Britain, Haiti, Italy, Japan, Mexico, the Netherlands, Norway, Paraguay, Peru, Portugal, Salvador, Spain, Sweden, Switzerland, and Uruguay. Ratifications have not been exchanged with the Argentine Republic, Bolivia, or Chile.

⁴⁷ "The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship-canal . . . nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess, with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other" (Article I).

"The contracting parties will use whatever influence they respectively exercise with any State, States, or Governments possessing, or claiming to possess, any jurisdiction or right over the territory which the said canal shall traverse, or which shall be near the waters applicable thereto, in order to induce such States or Governments to facilitate the construction of the said canal by every means in their power; and, furthermore, the United States and Great Britain agree to use their good offices, wherever or however it may be most expedient, in order to procure the establishment of two free ports, one at each end of the said canal" (Article II).

". . . And the contracting parties likewise agree that each shall enter into treaty stipulations with such of the Central American States as they may deem advisable for the purpose of more effectually carrying out the great design of this convention, namely, that of constructing and maintaining

the said canal as a ship communication between the two oceans, for the benefit of mankind, on equal terms to all, and of protecting the same . . .” (Article VI).

⁴⁸ *Diplomatic History of the Panama Canal*, Sen. Doc. 474, 63 Cong., 2 Sess., p. 287.

⁴⁹ *Addresses on International Subjects*, 175.

⁵⁰ *Foreign Relations, 1909*, 223–233.

⁵¹ *Foreign Relations, 1910*, 361 *et seq.*

⁵² *Works of John Adams*, Charles Francis Adams, ed. (1856), X, [¶]404.

⁵³ Lord Bathurst to Adams, October 30, 1815. *American State Papers*, Vol. IV (1834), 354.

⁵⁴ The text of the treaty is itself the shortest statement of the territorial waters in which the American fishermen were to ply their calling: “on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau Islands, on the western and northern coast of Newfoundland, from the said Cape Ray to the Quirpon Islands on the shores of the Magdalen Islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coast of Labrador, to and through the Streights of Belleisle and thence northwardly indefinitely along the coast, without prejudice however, to any of the exclusive rights of the Hudson Bay Company” (Article I).

⁵⁵ *Foreign Relations, 1906*, Part I, 690.

⁵⁶ See *Argument of the Honorable Elihu Root on behalf of the United States before the North Atlantic Coast Fisheries Arbitration Tribunal at The Hague, 1910*, edited by James Brown Scott (1912), Introduction, lii, and *Argument of Mr. Root*, 86 *et seq.* The proceedings of the whole arbitration are published in nine volumes as a Senate document.

⁵⁷ Malloy, III, 2632.

⁵⁸ “Rules and Regulations governing the Department of State,” Sen. Doc. 359, 59 Cong., 2 Sess., p. 9.

⁵⁹ *Ibid.*, 10.

⁶⁰ *The Statutes at Large of the United States*, XLIII, Part I, 140.

⁶¹ *Report of the Secretary of War for 1900*, 11-22, 61-71.

⁶² Malloy, II, 2006.

⁶³ *Foreign Relations, 1901*, 129-130; *Ibid.*, 1907, 174-176; *Ibid.*, 1908, 64-75.

"The bond from China to the United States is in the sum of \$24,440,778.81. The bond is dated December 15, 1906, but the interest thereon begins, according to the terms of the bond, on September 7, 1901, the date of the signing of the protocol. By joint resolution of Congress of May 25, 1908, the payment to be made by China under said bond was limited to the sum of \$13,655,492.69, with interest at 4 per cent and the remainder of the indemnity was remitted as an act of friendship. Of this \$13,655,492.69, the further sum of \$1,175,835.64, was remitted when the remaining outstanding claims of American citizens had been paid in full by China, thus making a net liquidated debt of \$12,479,657.05." *Chinese Indemnity. Hearings before the Committee on Foreign Affairs. House of Representatives. 68th Congress, 1st Session on H.J. Res. 201, to provide for the remission of further payments of the annual installments of the Chinese indemnity. March 31 and April 1 and 2, 1924* (Wash., 1924), p. 1.

⁶⁴ This account, with slight modifications, is taken from the introduction to *Treaties and Agreements with and Concerning China, 1894-1919*, compiled and edited by John V. A. MacMurray, I, x-xi.

⁶⁵ Professor Westel W. Willoughby, *Foreign Rights and Interests in China* (second edition, Baltimore, 1927), Vol. II, chapter xl, "Remission of the Boxer Indemnities," 1012-1024.

⁶⁶ See President Roosevelt's letters dated June 5, 1905 and June 16, 1905 to Henry Cabot Lodge, *Selections from the Correspondence of Theodore Roosevelt and Henry Cabot Lodge, 1884-1918* (2 volumes, N. Y., 1925), II, 130, 138; Tyler Den-

nett, *Roosevelt and the Russo-Japanese War* (Garden City, 1925). The latter work also utilizes the Roosevelt Papers.

⁶⁷ *Foreign Relations, 1905*, 807-828. The diplomacy of the Peace of Portsmouth, written from unpublished private and public papers, may be found in Dennett, *op. cit.*

⁶⁸ *The Political Code of the State of California*, by James H. Deering, Walter S. Brann, and R. M. Sims (1906), Part III, Title III, ch. iii, art. x, sec. 1662, p. 348.

⁶⁹ "The Real Questions under the Japanese Treaty and the San Francisco School Board Resolution," *Proceedings of the American Society of International Law, 1907*, p. 43; Root, *Addresses on International Subjects* (1916), 7.

⁷⁰ *Foreign Relations, 1908*, 510-512.

⁷¹ *Foreign Relations, 1906* (Part I), 857-866.

⁷² See also "The Central American Peace Conference of 1907," by James Brown Scott, *American Journal of International Law*, II, 132.

⁷³ See *Conferencia de Paz Centroamericana, Washington, Noviembre y Diciembre de 1907, Actas y Documentos* (Wash., 1907).

⁷⁴ The text of this decision is published in the *American Journal of International Law*, III, 434.

⁷⁵ *Ibid.*, 737.

⁷⁶ *Anales de la Corte de Justicia Centroamericana* (San José, Costa Rica), I, No. 3, p. 203.

⁷⁷ *Ibid.*, III, Nos. 1 to 8, p. 58.

⁷⁸ *Ibid.*, IV, Nos. 9 to 11, p. 84.

⁷⁹ *Ibid.*, Nos. 11 to 13, p. 9.

⁸⁰ *American Journal of International Law*, XI, 181; also, *Anales*, V, Nos. 14 to 16, p. 130.

⁸¹ *American Journal of International Law*, XI, 674; *Anales*, VI, 96.

⁸² See "The Closing of the Central American Court of Justice," by James Brown Scott, *American Journal of International Law*, XII, 380.

⁸³ On the whole subject see Henry S. Burrage, *Maine in the Northeastern Boundary Controversy* (printed for the state, Portland, 1919); for the last part of the subject, 383-389.

⁸⁴ *Addresses on International Subjects*, by Elihu Root (1916), 207, 241.

⁸⁵ *Ibid.*, 327.

⁸⁶ "The Ship Purchase Bill," *Ibid.*, 337.

⁸⁷ For Mr. Root's remarks in the convention see his *Addresses on Government and Citizenship* (1916), 163-212, and for two addresses before the Republican Club of New York and the Economic Club of New York, advocating the adoption of the constitution as amended, see *Ibid.*, 213-244.

⁸⁸ See "America's Message to the Russian People," *Addresses by the Members of the Special Diplomatic Mission of the United States to Russia in the year 1917* (Boston, 1918).

⁸⁹ *Conference on the Limitation of Armament* (Wash., Government Printing Office, 1922). See also Mr. Root's address as president of the American Society of International Law, at its meeting of April 27, 1922, entitled, "International Law at the Washington Conference on the Limitation of Armament," *Proceedings of the American Society*, 1922, p. 1; *Men and Policies*, 452.

⁹⁰ For the texts of these addresses see *Proceedings of the American Society of International Law*, 1907-1917, 1921-1924. Those delivered from 1907-1916 are also printed in *Addresses on International Subjects* (1916), for 1917 in *Miscellaneous Addresses* (1917). During 1918, 1919, and 1920 there were no formal meetings of the society. His addresses for 1921, 1922, and 1923 are also to be found in *Men and Policies* (1926). See also "Elihu Root's Services to International Law," *Proceedings of the American Society of International Law* (1924), 2-41.

⁹¹ July 20, 1913. *For Better Relations with our Latin American Neighbors; A Journey to South America*, by Robert Bacon (Washington, 1915), 3-4.

⁹² *The Hague Court Reports. Great Britain, Spain and France versus Portugal in the Matter of the Expropriated Religious Properties in Portugal.* English translation by the Carnegie Endowment for International Peace (1921), from the official French text, published by the Bureau International de la Cour Permanente d'Arbitrage (The Hague, 1920), and entitled, *Compromis, protocoles des séances et sentences du tribunal d'arbitrage constitué en vertu du compromis signé à Lisbonne le 31 juillet 1913 entre la Grande-Bretagne, l'Espagne et la France et le Portugal.*

⁹³ "The League of Nations," *Men and Policies* (1926), 247-294.

⁹⁴ The committee on the award of the Nobel Peace Prize for 1912 made known its decision on December 10, 1913, in the hall of the Nobel Institute at Oslo. After speaking of Mr. Root's services to the cause of peace while he was Secretary of State of the United States, Mr. Moe, secretary of the committee, who delivered an address on this occasion, said that "Since his retirement Mr. Root has been recognized as the leader of the peace movement in the United States." See *Les Prix Nobel en 1913* (Stockholm, 1914).

The statutes of the Nobel Foundation require the laureate of the peace prize to deliver an address in person at Oslo, Norway. The outbreak of the World War prevented Mr. Root from delivering his on September 8, 1914, as planned, but it is printed in his *Addresses on International Subjects* (1916), 153.

APPENDIX

TO SKETCH OF BACON

BIBLIOGRAPHICAL NOTE

The biography of Robert Bacon, based on his papers, is the author's volume *Robert Bacon, Life and Letters*, with a foreword by Field-marshal the Right Honourable Earl Haig, and an introduction by the Honourable Elihu Root (N. Y., 1923). In general the material for the history of Secretary Bacon's diplomacy is that indicated in the bibliographical note to the sketch of Secretary Root, but see also: Robert Bacon, *For Better Relations with our Latin American Neighbors; A Journey to South America* (Wash., 1915); and Report of William Howard Taft, Secretary of War, and Robert Bacon, Assistant Secretary of State, of what was done under the instructions of the President in restoring peace in Cuba, in U.S. War Dept., *Reports of the Secretary of War, 1906*, 444-642.

FOOTNOTES

¹ *Foreign Relations, 1906*, Part I, 454 *et seq.*; Report of Secretary of War Taft and Assistant Secretary of State Bacon, relative to Cuba, *Report of the Secretary of War, 1906*, 441-539; Report of Governor Magoon, *Ibid.*, 177-184; *Ibid.*, 1909, 94-99. See also the recent and documented account of the entire transaction in Charles E. Chapman's *History of the Cuban Republic: A Study in Hispanic American Politics* (N. Y., 1927), 176-225.

² C. E. Chapman, *op. cit.*, 204.

³ "North American Conservation Conference," Sen. Doc. 742, 60 Cong., 2 Sess.

⁴ *Foreign Relations, 1909*, 1-2.

⁵ For the text of this cablegram see James Brown Scott, *Robert Bacon, Life and Letters* (N. Y., 1923), 127-128.

⁶ Robert Bacon, *For Better Relations with our Latin American Neighbors; A Journey to South America* (Wash., 1915), 52.

APPENDIX

TO SKETCH OF KNOX

BIBLIOGRAPHICAL NOTE

The private papers of Philander Chase Knox are not yet available to the public. They are believed to be in the possession of his daughter, Mrs. James R. Tindle, who has placed them, or is about to do so, in the hands of an associate and intimate friend for biographical purposes. There is as yet no published biography beyond brief sketches in encyclopædias and in *Senators from Pennsylvania: Memorial Addresses delivered in the Senate and House of Representatives of the United States in Memory of Philander C. Knox, Boies Penrose, William E. Crow, late Senators from Pennsylvania* (Washington, 1924). The Taft Papers in the custody of the Library of Congress, now available to students, subject to the permission of Chief Justice Taft, are invaluable for the light they throw on the intimate relationship between Knox and Taft.

The public papers of Knox as Secretary of State belong to a period too recent for divulgation beyond those which have appeared in *Foreign Relations of the United States*. Nearly all of Knox's public addresses are available in separate prints.

A fairly good (though apparently hastily written) review of Knox's policies as Secretary of State will be found in Louis M. Sears, *History of America's Foreign Relations* (N. Y., 1927), which appeared after the present sketch was completed.

Knox's part as Attorney-General in the Northern Securities case is ably presented in Balthasar H. Meyer, *History of the Northern Securities Case* (*Bulletin of the University of*

Wisconsin, No. 142), and in James Brown Scott, *Robert Bacon, Life and Letters* (N. Y., 1923). The latter made use not only of Pyle's *James J. Hill* and Kennan's *E. H. Harriman*, but also of the briefs and testimony in the various suits and hearings.

Authoritative and readable accounts of American foreign policy in the Far East during the Taft Administration will be found in T. W. Overlach, *Foreign Financial Control in China* (N. Y., 1919); S. K. Hornbeck, *Contemporary Politics in the Far East* (N. Y., 1916); Herbert Croly, *Willard Straight* (N. Y., 1924); Westel W. Willoughby, *Foreign Rights and Interests in China*, (2 volumes, second edition, Balto., 1927); and J. V. A. MacMurray, *Treaties and Agreements With and Concerning China* (N. Y., 1919). The last contains all the treaties and conventions; the first contains a good bibliography. To these should be added *Die Grosse Politik der Europäischen Kabinette, 1871-1914* (Berlin, 1926), Vol. XXXII, and Paul H. Clyde, *International Rivalries in Manchuria, 1689-1922* (Columbus, O., 1926).

"Dollar diplomacy" in the Caribbean is adequately presented in Dana G. Munro, *The Five Republics of Central America* (N. Y., 1918), and less in detail in John Holliday Latané, *A History of America's Foreign Policy* (N. Y., 1927).

A brief but authoritative discussion of the Canadian reciprocity arrangement and its effects will be found in a pamphlet of the United States Tariff Commission, entitled: *Reciprocity with Canada; A Study of the Arrangement of 1911* (Wash., 1920).

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Henry Cabot Lodge, *The Senate and the League of Nations* (N. Y., 1925).

Reference is made in the footnotes to a number of other important sources.

FOOTNOTES

¹ Herbert A. L. Fisher, *James Bryce* (London, 1927), II, 37.

² *Who's Who in America, 1920-1921*, XI, 1628.

³ *The Law of Labor and Trade*, 2, 7.

⁴ Cited by James Francis Burke, in *Memorial Addresses*, 81. Roosevelt expressed his appreciation of Knox's services as Attorney-General, when accepting the latter's resignation to take his seat in the Senate, according to Joseph B. Bishop, *Theodore Roosevelt and His Time* (N. Y., 1920), I, 318.

⁵ In *Memorial Addresses*, 50.

⁶ *Ibid.*, 29 f.

⁷ *Ibid.*, 83 f.

⁸ *Ibid.*, 47.

⁹ Meyer, *op. cit.*; Bishop, *op. cit.*, I, 182 f.; Scott, *op. cit.*, 86-102.

¹⁰ James Ford Rhodes, *The McKinley and Roosevelt Administrations, 1897-1909* (N. Y., 1922), 223.

¹¹ 193 U.S. 255.

¹² 193 U.S. 198.

¹³ In *Memorial Addresses*, 48.

¹⁴ Bishop, *op. cit.*, I, 325.

¹⁵ Oscar King Davis, *Released for Publication* (N. Y., 1925), 128 f. Hostile to Taft.

¹⁶ Latané, *American Foreign Policy*, 529 f.

¹⁷ Davis, *op. cit.*, 112-119.

¹⁸ Abbott, *Impressions*, 139 f.; Rhodes, *op. cit.*, 271.

¹⁹ Cited by Burke, in *Memorial Addresses*, 80.

²⁰ *Ibid.*, 81.

²¹ James Francis Burke, *Some of the Public Services of Honorable Philander Chase Knox*, speech before the Pennsylvania delegation on December 4, 1907, 14-21; Rhodes, *op. cit.*, 324 f.

²² Davis, *op. cit.*, 125 f.; but cf. Bishop, *op. cit.*, II, 128, who says that Roosevelt did not ask Taft to retain anyone.

²³ Knox to Taft, May 24, 1908, Taft MSS., Library of Congress.

²⁴ Knox to Taft, December 26, 1908, *Ibid.*

²⁵ Knox to Taft, December 29, 1908, *Ibid.*

²⁶ Winthrop finally "landed" as Assistant Secretary of the Navy; New York *Times*, March 6, 1909, 2.

²⁷ Knox to Taft, January 16, 1909, Taft MSS.

²⁸ Taft to Knox, February 9, 1909, *Ibid.*

²⁹ Knox to Taft, and Taft to Knox, February 22, 1909, *Ibid.*

³⁰ Davis, *op. cit.*, 186 f.

³¹ Knox to Taft, November 29, 1911, *Ibid.*

³² New York *Times*, editorial, March 6, 1909, 6.

³³ New York *Times*, March 7, 1909, 2.

³⁴ Henry Lane Wilson, *Diplomatic Episodes in Mexico, Belgium and Chile* (N. Y., 1927), 298.

³⁵ William Howard Taft, *Address before the Americus Club*, Pittsburgh, Pa., May 2, 1910, 5; P. C. Knox, *Address before the National Civic Federation*, New York City, December 11, 1911, 46 f.

³⁶ Knox, *op. cit.*, 47.

³⁷ Taft, *op. cit.*, 22.

³⁸ *Ibid.*, 16.

³⁹ Knox, *op. cit.*, 41. For a comparison of the Far East policies of Roosevelt and Taft, see Tyler Dennett, *Roosevelt and the Russo-Japanese War* (N. Y., 1925), 320 ff. An interchange of communications between Roosevelt and Knox shows clearly that the latter, if he was ignorant of the former's unofficial acceptance of membership in the renewed

Anglo-Japanese Alliance, desired to proceed with his own Manchurian policy.

⁴⁰ For the text see MacMurray, *op. cit.*, I, 800.

⁴¹ *Foreign Relations, 1909*, 211.

⁴² See statement issued to the press by Secretary Knox, January 6, 1910.

⁴³ J. O. P. Bland, *Recent Events and Present Policies in China* (London, 1912), 319.

⁴⁴ *Foreign Relations, 1910*, 235.

⁴⁵ *Ibid.*, 240.

⁴⁶ *Ibid.*, 240, 261 f.

⁴⁷ *Ibid.*, 251 f.

⁴⁸ *American Review of Reviews*, XLI, 162.

⁴⁹ *Foreign Relations, 1910*, 269.

⁵⁰ Convention of July 4, 1910; MacMurray, *op. cit.*, I, 803.

⁵¹ Texts in MacMurray, 1229; also in MacMurray, *The Sino-Japanese Negotiations of 1915* (Wash., 1920).

⁵² Treaty of July 3, 1916; see MacMurray, *Treaties*, II, 1328.

⁵³ Willoughby, *op. cit.*, I, 243.

⁵⁴ *Foreign Relations, 1909*, 178.

⁵⁵ For text see MacMurray, I, 866.

⁵⁶ For text see MacMurray, I, 841.

⁵⁷ Agreement of June 18, 1912; MacMurray, II, 1021.

⁵⁸ In the *Far Eastern Review*, XI, 229.

⁵⁹ Correspondence and text in Pamphlet No. 41 of the Carnegie Endowment for International Peace (Wash., 1921).

⁶⁰ Overlach, *op. cit.*, 196.

⁶¹ Knox, *The Monroe Doctrine and Some Incidental Obligations in the Zone of the Caribbean*, address before the New York State Bar Association, New York City, January 19, 1912, 35.

⁶² Latané, *American Foreign Policy*, 549 f.; *The United States and Latin America* (N. Y., 1920), 282 f.

⁶³ *Foreign Relations, 1909*, 455.

⁶⁴ Knox, *op. cit.*, 47-49.

⁶⁵ George T. Weitzel (former U.S. minister to Nicaragua), *The United States and Central America; Policy of Clay and Knox*, 11, reprinted from the *Annals of the American Academy of Political and Social Science*, Philadelphia, July 1927.

⁶⁶ Munro, *op. cit.*, 235.

⁶⁷ *Treaties and Conventions*, III, 2740.

⁶⁸ See Juan Leets, *United States and Latin America: Dollar Diplomacy* (New Orleans, 1912).

⁶⁹ *Speeches Incident to the Visit of Philander Chase Knox, Secretary of State of the United States of America, to the Countries of the Caribbean*, February 23 to April 17, 1912 (Wash., 1913).

⁷⁰ Weitzel, *op. cit.*, 7.

⁷¹ Knox, *Speeches Incident to the Visit*, 57.

⁷² Herbert Kraus, *Die Monroedoktrin* (Berlin, 1913), 230 f.

⁷³ Sen. Doc. 640, 62 Cong., 2 Sess.

⁷⁴ Sen. Doc. 694, 62 Cong., 2 Sess.

⁷⁵ See Carl Russell Fish, *American Diplomacy* (N. Y., 1915), 450.

⁷⁶ Sears, *op. cit.*, 508.

⁷⁷ *The Spirit and Purpose of American Diplomacy*, address at the commencement exercises of the University of Pennsylvania, Philadelphia, June 15, 1910, 4.

⁷⁸ For a good running account of this controversy from its origin to its solution see Latané, *American Foreign Policy*, 461 f., and the authorities there cited. See also Volume VIII of this series.

⁷⁹ Malloy, *Treaties and Conventions*, II, 1521.

⁸⁰ *Ibid.*, I, 748 f.

⁸¹ *Ibid.*, III, 2966.

⁸² *American Journal of International Law*, IV, 948 f. See *ante*, p. 274.

⁸³ See Latané, *op. cit.*, 455 f.; Fish, *op. cit.*, 434 f.

⁸⁴ See Sears, *op. cit.*, 499 f.

⁸⁵ Proclamation of President Taft, January 18, 1910.

- ⁸⁶ Proclamation of President Taft, January 29, 1910.
- ⁸⁷ Proclamation of President Taft, February 7, 1910.
- ⁸⁸ Proclamation of President Taft, February 9, 1910.
- ⁸⁹ Davis, *op. cit.*, 241.
- ⁹⁰ "Canada and Reciprocity," in *World Today*, July 1911, 878 f.; cf. also *Journal of Political Economy* (1911), XIX, 513 f.
- ⁹¹ Sears, *op. cit.*, 504.
- ⁹² Page 7 f.
- ⁹³ *The General Arbitration Treaties with Great Britain and France* (Sen. Doc. 353, 62 Cong., 2 Sess.), 20 f.
- ⁹⁴ Knox to Taft, October 23, 1914, Taft MSS.
- ⁹⁵ Knox to Taft, November 21, 1914, *Ibid.*
- ⁹⁶ Address before Americus Republican Club, Pittsburgh, Pa., April 27, 1916.
- ⁹⁷ Lodge, *op. cit.*, 79 f.
- ⁹⁸ *Ibid.*, 100.
- ⁹⁹ *Ibid.*, 117. Lodge's speech was delivered on February 28, and Knox's on March 1. It was partially on Knox's suggestion also that Lodge refused to give the information requested in Henry White's cable while President Wilson was on the high seas; cf. Lodge, 124, 128.
- ¹⁰⁰ *Congressional Record*, March 4, 1919, 4974; Lodge, 118 f.; Learned, *op. cit.*, 400 f.
- ¹⁰¹ Learned, *op. cit.*, 405, who cites the pages of the *Congressional Record*.
- ¹⁰² Sen. Doc. 106, 66 Cong., 1 Sess.
- ¹⁰³ Lodge, 316 f.
- ¹⁰⁴ *Congressional Record*, November 19, 1919, 8768.
- ¹⁰⁵ See Quincy Wright, *The Control of American Foreign Relations* (N. Y., 1922), 292, note 28.
- ¹⁰⁶ H. A. L. Fisher, *op. cit.*
- ¹⁰⁷ Henry Lane Wilson, *op. cit.*, 297 f.

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